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ACTS  
AND  
JOINT RESOLUTIONS  
PASSED BY THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VIRGINIA,  
DURING THE  
SESSION OF 1906.

RICHMOND:  
DAVIS BOTTOM, SUPERINTENDENT OF PUBLIC PRINTING.  
1906.

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# Acts and Joint Resolutions.

CHAP. 1.—An ACT to reimburse the civil contingent fund of the governor for the fiscal year ending March 1, 1906

Approved January 26, 1906.

Whereas certain extraordinary expenses for the rent of offices for the State officials, for labor to operate the new light and power plant for the capitol, for unusual costs for the transportation of fugitives from justice, for the entertainment of the president of the United States and for the state funerals of General Fitzhugh Lee and ex-Governor Charles T. O'Ferrall, have been paid out of the civil contingent fund of the governor during the present fiscal year: therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of two thousand five hundred dollars be, and the same is hereby, appropriated as an addition to the said civil contingent fund of the governor for the fiscal year ending March one, nineteen hundred and six.

2. That an immediate emergency exists for this act, which shall take effect from its passage.

CHAP. 2.—An ACT to amend and re-enact the thirteenth article of section 183 of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact title 8 of the Code of Virginia, in relation to salaries, mileage, and other allowances, approved Feb. 7th, 1903.

Approved January 29, 1906.

1. Be it enacted by the general assembly of Virginia, That article thirteen of section one hundred and eighty-three of the Code, as amended and re-enacted by the act entitled an act to amend and re-enact title eight of the Code of Virginia, in relation to salaries, mileage, and other allowances, approved February seventh, nineteen hundred and three, be amended and re-enacted so as to read as follows:

Thirteenth. Of commissioner of agriculture and immigration and his clerk.—The commissioner of agriculture and immigration, the sum of (\$2,800.00) twenty-eight hundred dollars, which shall be in full for his services; but all fees of office and all fees accruing shall be paid into the treasury; his clerk, the sum of five hundred dollars per annum, which, with all other salaries and expenses of the bureau of agriculture, shall be paid from the fees and taxes collected on fertilizers, if sufficient for the purpose; if not, they shall be paid pro rata from said funds; but in

no event shall any part of such salaries and expenses be paid out of the public treasury if in excess of such fees and taxes collected on fertilizers. Should there be any excess from said taxes and fees on fertilizers, the same shall be appropriated as provided by law.

2. An emergency existing in securing the best efficiency in the department of agriculture, this act shall be in force from and after the first day of February, nineteen hundred and six.

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CHAP. 3.—An ACT to amend and re-enact the fourteenth clause of section 183 of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact title 8 of the Code of Virginia, in relation to salaries, mileage, and other allowances, approved February 7, 1903.

Approved January 29, 1906.

1. Be it enacted by the general assembly of Virginia, That the fourteenth clause of section one hundred and eighty-three of the Code, as amended and re-enacted by the act entitled "an act to amend and re-enact title eight of the Code of Virginia, in relation to salaries, mileage, and other allowances," approved February seventh, nineteen hundred and three, be amended and re-enacted so as to read as follows:

Fourteenth. Of superintendent of public instruction.—The superintendent of public instruction, the sum of two thousand eight hundred dollars, and his necessary traveling expenses while engaged in the duties of his office, to be approved by the board of education, not to exceed in the aggregate five hundred dollars in any one year.

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CHAP. 4.—An ACT to provide for the payment of contingent and incidental expenses of the general assembly, and to appropriate money for the same.

Approved January 29, 1906.

Whereas there are certain contingent and incidental expenses of the general assembly which cannot be provided for specifically and which must be paid; and

Whereas there has been no appropriation made to meet the same; and

Whereas section one hundred and eighty-six of the Constitution provides that no money shall be paid out of the State treasury, except in pursuance of appropriations made by law, and section fifty of the Constitution provides that no law shall be enacted except by bill; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and is hereby, directed to issue his warrant upon the treasurer of the State for such amounts as may be required for such contingent and incidental expenses as may be provided for by resolution either of the senate or house of delegates.



2. It is hereby made the duty of the clerk of the senate and clerk of the house of delegates, respectively, to keep an itemized account and statement, giving the name of each person receiving any money on account of any contingent or incidental expense authorized under any and all resolution or resolutions as may be hereafter adopted by their respective houses in reference to any contingent and incidental expense thereof; said itemized account and statement shall show also for what service or account, and have a reference to the resolution authorizing the same, and shall be appended to the end of the journal of their respective houses and published therewith as document "A."

3. It is hereby made the duty of the auditor of public accounts to keep a separate account of the contingent and incidental expenses of the senate and house of delegates of Virginia, respectively, as authorized by resolution as aforesaid, showing the amount expended under each resolution, and to include the same in his annual report to the governor and general assembly of Virginia.

4. To pay the expenses above referred to, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars, one-half of which shall be set apart for the use of the senate, and the other half for the use of the house of delegates.

5. There being an emergency for the payment of said expenses, this act shall be in force from its passage.

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CHAP. 5.—An ACT to provide for an enumeration of the inhabitants of the counties of Tazewell, Giles, and Bland.

Approved January 30, 1906.

Whereas it is proposed to form a new judicial circuit, to be known as the twenty-fifth circuit, to be composed in part of the county of Buchanan, which is now a part of the twenty-second judicial circuit; and

Whereas the remaining counties of said twenty-second judicial circuit, to-wit: the counties of Tazewell, Giles, and Bland, did not have by the last United States census forty thousand population, but it is believed the said counties now have at least forty thousand population: therefore, in order to ascertain the population of said counties,

1. Be it enacted by the general assembly of Virginia, That as soon as practicable after the passage of this act the judge of the twenty-second judicial circuit shall, by an order under his hand, to be entered in the proper order book of the respective counties of Tazewell, Giles, and Bland, appoint not exceeding three enumerators for each magisterial district in each of said counties, and he may, in his discretion, designate the bounds of the district of each enumerator.

2. The said enumerators shall, as soon as practicable after their appointment, take the oath of office prescribed by law and enter upon the discharge of their duties, and shall enumerate all the inhabitants of their respective districts and return duplicate lists thereof to the office of the clerk of the circuit court of their respective counties, to which lists shall

be attached the oath of the respective enumerators to the effect that said list embraces the names of all the inhabitants of his district, and none others, as he verily believes, which oath shall also set forth the number of days the said enumerator shall have been employed in taking said list.

3. When all of said lists shall have been received by said respective clerks, they shall each enumerate the same and file in his office one copy of said list, and shall forthwith certify and forward the other copy thereof to the judge of said court, who, when all of said lists have been received by him, shall transmit the same to the secretary of the Commonwealth.

4. The said enumerators shall be allowed the sum of three dollars (\$3.00) per day for each day employed in said work, and the said judge shall draw his warrant upon the auditor of public accounts in favor of each of said enumerators for said sum, which shall be paid out of the public treasury.

5. It being desirable that the enumeration herein provided for shall be obtained as speedily as practicable, an emergency exists, and this act shall be in force from its passage.

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CHAP. 6.—An ACT to appropriate the sum of seventy-four thousand dollars annually to the sinking fund, for the purpose of extinguishing the public debt of Virginia.

Approved February 7, 1906.

Whereas the act to provide for the settlement of the public debt of Virginia, approved February twentieth, eighteen hundred and ninety-two, provides that in nineteen hundred and ten, and each year thereafter until nineteen hundred and thirty, there shall be set apart from the revenue collected from the property of the State an amount equal to one-half of one per centum upon the outstanding bonds issued under that act and the act of eighteen hundred and eighty-two, known as the Riddleberger act, to be applied by the commissioners of the sinking fund to the purchase or redemption of bonds issued under the two acts aforesaid, and that after nineteen hundred and thirty the amount thus set apart shall be one per centum upon said outstanding bonds; and

Whereas it is wise to anticipate these provisions and not wait until nineteen hundred and ten, but to appropriate to said sinking fund now and each year hereafter the amount thus specified to be used for the extinguishment of said debt; and

Whereas there has already been appropriated to said sinking fund, as provided in section four hundred and nineteen of the Code as amended, certain sums amounting approximately to forty-two thousand dollars annually; and

Whereas the amount necessary to increase the said annual sinking fund to a sum equal to one-half of one per centum of said outstanding bonds is approximately seventy-four thousand dollars; and

Whereas it is exceedingly desirable for the State to commence at once the retirement of its indebtedness as provided in the act of settlement, and thus demonstrate to the financial world the absolute stability of the credit of Virginia: therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of seventy-four thousand dollars be, and the same is hereby, appropriated out of any money in the treasury of Virginia not otherwise appropriated to the sinking fund provided for in section four hundred and nineteen of the Code as amended, and the commissioners of the sinking fund are hereby directed to apply the same, together with other sums constituting the sinking fund as directed in section four hundred and twenty and four hundred and twenty-one of the Code as amended.

2. And the further sum of seventy-four thousand dollars is hereby appropriated, to be applied in like manner by said commissioners of the sinking fund during the fiscal year ending thirtieth September, nineteen hundred and eight.

3. The auditor of public accounts is hereby directed to draw his warrant in favor of the commissioners of the sinking fund for said respective amounts hereinabove appropriated.

4. The State of Virginia hereby declares its purpose to make provision for the annual reduction of its bonded indebtedness, to the end that its public debt may be extinguished by the time it matures without oppressive taxation upon its citizens and with due regard to the sacred obligations to its creditors.

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CHAP. 7.—An ACT to amend and re-enact sections 419, 420, and 421 of an act to amend and re-enact title 12 of the Code of Virginia, in relation to the public debt, approved December 17, 1903, and sections 420 and 421, as amended by an act approved March 8, 1904.

Approved February 7, 1906.

1. Be it enacted by the general assembly of Virginia, That sections four hundred and nineteen, four hundred and twenty, and four hundred and twenty-one of the Code of Virginia, as amended and re-enacted by an act approved December twelve, nineteen hundred and three, entitled an act to amend and re-enact title twelve of the Code of Virginia, in relation to the public debt, and sections four hundred and twenty and four hundred and twenty-one, as amended and re-enacted by an act approved March eighth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§419. Sinking fund, of what constituted.—All damages which may hereafter be recovered by the State against defaulting revenue collectors; the stock owned by the State in and its entire claim against the Richmond, Fredericksburg and Potomac railroad company, including obligations or dues on account of unpaid dividends, together with all dividends, dues, or assessments hereafter made or to be made upon said railroad company and paid into the treasury of the State, and money which may be derived from the sale of any stocks and securities

now held in the treasury of Virginia belonging to the sinking fund, also current interest upon all bonds hereafter purchased for the sinking fund, and such sums as may be appropriated from time to time by the general assembly to the said fund, shall constitute the sinking fund of the State.

§420. To be used in buying bonds for sinking fund.—All money in the treasury to the credit of the sinking fund shall, as soon as practicable after the same has been paid into the treasury to the credit of said fund, be applied by the commissioners to the purchase at market rates (not, however, exceeding the par value and accrued interest) of bonds issued under the act of February fourteen, eighteen hundred and eighty-two, or under the act of February twenty, eighteen hundred and ninety-two.

§421. Meetings of the commissioners of the sinking fund; bonds to be bought by sealed bids, and bonds to be retired.—The commissioners of the sinking fund shall, on the first day of July of each year, and at such other times as they may deem necessary, advertise in at least one daily newspaper published in the city of Richmond, New York, and Baltimore, that they will receive offers for the sale of such amount of the bonds issued under the act of February fourteenth, eighteen hundred and eighty-two, or February twentieth, eighteen hundred and ninety-two, as, in their judgment, the sum placed to their credit will enable them to purchase, and that such offers may be made up to and including a day named. All such offers shall be made in writing, shall be sealed, and shall be opened by said commissioners, or a majority of them, at a meeting previously agreed upon at noon, in the presence of the governor of the Commonwealth, or in the event of his absence, in the presence of the secretary of the Commonwealth: provided, that the said commissioners shall have authority to reject any and all bids made. All bonds purchased under this and the preceding section shall be listed on the minutes of the board, which list shall show the number and denomination of each bond purchased, and such bonds shall be immediately cancelled by said commissioners, and shall not be used again for any purpose, except that the interest thereon shall be paid regularly to the said sinking fund; and provided, that no coupon bond shall be purchased unless all unmatured interest coupons shall be attached thereto.

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CHAP. 8.—An ACT to appropriate the sum of ten thousand dollars for certain improvement, buildings and acquisition of additional land at and for the Virginia school for the deaf and the blind.

Approved February 7, 1906.

1. Be it enacted by the general assembly of Virginia, That the sum of ten thousand dollars be, and the same is hereby, appropriated out of the public treasury from any money not otherwise appropriated for the purpose of improvement, building, and acquiring land at and for the Virginia school for deaf and blind, as follows:

1. For improvement in heating system, one thousand five hundred dollars, or so much thereof as necessary.

2. For purchase of additional land, five thousand dollars, or so much thereof as necessary.

3. For new brick stable and barn combined, three thousand five hundred dollars, or so much thereof as necessary.

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CHAP. 9.—An ACT to amend and re-enact section 2168 of the Code of Virginia as amended and re-enacted by an act passed February 16, 1901, relative to oyster inspectors.

Approved February 9, 1906.

1. Be it enacted by the general assembly of Virginia, That section two thousand one hundred and sixty-eight of the Code of Virginia, as amended and re-enacted by an act passed February sixteenth, nineteen hundred and one, be amended and re-enacted to read as follows:

§2168. All fines imposed and collected for a violation of any of the provisions of this chapter shall go to the credit of the oyster fund: provided, however, that when an oyster inspector is directly instrumental in apprehending and bringing to trial an offender in his district against whom a fine is imposed and collected under this chapter, one-fourth of the fine shall go to the said inspector and three-fourths to the credit of the oyster fund.

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CHAP. 10.—An ACT to prohibit the setting and fishing of purse nets or pound nets in Craddock creek.

Approved February 9, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to fish or set at any time with a purse net or pound net in any part of Craddock creek, or within one mile of the mouth of said creek, in the county of Accomac.

2. Any person violating the provisions of this act shall be fined for each offense a sum not less than twenty-five dollars nor more than one hundred dollars.

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CHAP. 11.—An ACT to prohibit the selling or furnishing of or having in one's possession for the purpose of selling or furnishing blackjacks, brass or metal knucks, and like weapons, and prescribing penalties therefor.

Approved February 9, 1906.

1. Be it enacted by the general assembly of Virginia, That if any person sell or barter, or exhibit for sale or for barter, or give or furnish, or cause to be sold, bartered, given or furnished, or has in his possession, or under his control, with the intent of selling, bartering, giving or furnishing any blackjack, brass or metal knucks, or like weapons, such person shall be fined not less than twenty-five nor more than one hundred dollars.

2. The having in one's possession of any such weapon shall be *prima facie* evidence, except in the case of a conservator of the peace, of his intent to sell, barter, give or furnish the same.

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CHAP. 12.—An ACT to amend and re-enact section 1414 of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact section 1414 of the Code of Virginia, approved January 15, 1900; and as amended and re-enacted by an act entitled an act to amend and re-enact section 1414 of the Code of Virginia, approved March 3, 1900, and as amended and re-enacted by an act entitled an act to amend and re-enact section 1414 of the Code of Virginia, approved January 2, 1904.

Approved February 9, 1906.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and fourteen of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact section fourteen hundred and fourteen of the Code of Virginia, approved January fifteenth, nineteen hundred, and as amended and re-enacted by an act entitled an act to amend and re-enact section fourteen hundred and fourteen of the Code of Virginia, approved March third, nineteen hundred, and as amended and re-enacted by an act entitled an act to amend and re-enact section fourteen hundred and fourteen of the Code of Virginia, approved January second, nineteen hundred and four, be amended and re-enacted to read as follows:

§1414. Location of cemeteries; limitation as to quantity of land.— Nothing contained in the four preceding sections shall be so construed as to authorize any cemetery to be hereafter established in the corporate limits of any city or town, or within *one* hundred yards of any residence, without the consent of the owner of such residence; or to authorize the conveyance of more than *three hundred* or the condemnation of more than *two* acres of land for use of a cemetery, but when damage is done to adjacent lands by the establishment of such cemetery, whether established by purchase of land or condemnation proceedings, the owners whose lands have been damaged shall have right of action against any person, firm, corporation or municipality establishing said cemetery, said action to be instituted within one year from the establishment of such cemetery.

2. Owing to the fact that there is a lack of burial facilities in the city of Norfolk, the general assembly declares an emergency to exist, and, therefore, this act shall be in force from its passage.

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CHAP. 13.—An ACT to amend and re-enact an act approved March 10, 1904. entitled "an act to authorize the city of Portsmouth to issue bonds to build a schoolhouse and for other purposes."

Approved February 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the act approved March tenth, nineteen hundred and four, entitled "an act to au-

thorize the city of Portsmouth to issue bonds to build a schoolhouse and for other purposes" be amended and re-enacted so as to read as follows:

That the council of the city of Portsmouth be, and it is hereby, authorized, in order to build a schoolhouse, to provide for furnishing the same, and for other school purposes, to issue coupon or registered bonds, to be known as "Portsmouth school bonds," in such denominations and at such a rate of interest as may be determined by said council: provided, however, that the whole amount of bonds issued under this bill shall not exceed forty-two thousand dollars, or such part thereof as shall bring the amount borrowed within the constitutional limitation or municipal indebtedness, or by any limitation fixed by the charter of said city, and the rate of interest on the same shall not exceed four per centum per annum, payable semi-annually.

The said bonds shall be made payable in thirty years after their date, and be issued in the name of the city of Portsmouth and signed by the president of each branch of the council at the time said bonds are issued and by the city treasurer, with the seal of the city thereto affixed, attested by the city clerk.

The said bonds shall be subject to no taxation whatever by the city of Portsmouth, and may be disposed of in such manner as the said council may deem expedient: provided, however, that the same shall not be disposed of for less than their par value.

The said council shall, for the payment of the interest on said bonds, levy a special capitation tax, as provided by section one hundred and seventy-three of article thirteen of the Constitution of Virginia, or provide for the same out of the general levy.

2. An emergency existing, this act shall be in force from its passage.

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CHAP. 14.—An ACT to authorize the auditor of public accounts to pay F. P. Jones, W. H. Hutcheson, and Louis Nelson, four hundred and seventy dollars due them for services at the heat and light plant of the State.

Approved February 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and is hereby, authorized to pay the following amounts out of the treasury from some money not otherwise appropriated: F. P. Jones, due for services as engineer at the heat and light plant from December first, nineteen hundred and five, to March first, nineteen hundred and six, at seventy-five dollars per month, two hundred and twenty-five dollars; W. H. Hutcheson, due for services as fireman at heat and light plant from December first, nineteen hundred and five, to March first, nineteen hundred and six, at fifty dollars per month, one hundred and fifty dollars; Louis Nelson, due for services at heat and light plant from January fourth to March first, nineteen hundred and six, at fifty dollars per month, ninety-five dollars, making a total of four hundred and seventy dollars. This money being due the said persons for services, and no appropriation having been made to pay them, this act to be made an emergency act, and to take effect from and after its passage.



CHAP. 15.—An ACT to appropriate certain sums of money from the public treasury in aid of Confederate memorial associations having in charge cemeteries containing the graves of Confederate soldiers.

Approved February 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the auditor be instructed to draw his warrant upon the treasurer of the State annually for the years one thousand nine hundred and six and one thousand nine hundred and seven in favor of the treasurers of the following Confederate memorial associations the following sums of money, to be by their respective associations expended in caring for the graves of the Confederate soldiers buried in the cemeteries herein specified:

Blacksburg, Virginia, fifteen dollars; Ashland, Virginia, fifteen dollars; Louisa, Virginia, ten dollars; Harrisonburg, Virginia, twenty dollars; Charlottesville, Virginia, fifty dollars; Mount Jackson, Virginia, twenty dollars; Manassas, Virginia, fifty dollars; Manassas Junction, Virginia, fifty dollars; Farmville, High Bridge, Virginia, twenty-five dollars; Pulaski, Virginia, twenty dollars; Culpeper, Virginia, twenty dollars; Montgomery White Sulphur, Virginia, fifteen dollars; Huguenot Springs, Virginia, fifteen dollars; Martinsville, Virginia, fifteen dollars; Leesburg, Virginia, twenty dollars; Abingdon, Virginia, ten dollars; Norfolk, Virginia, twenty dollars; Lynchburg, Virginia, one hundred dollars; Hollywood, in Richmond, Virginia, five hundred dollars; Oakwood, in Richmond, Virginia, five hundred dollars; Spotsylvania Courthouse, Virginia, one hundred dollars; Danville, Virginia, twenty-five dollars; Bristol, Virginia, twenty-five dollars; Portsmouth, twenty dollars; Bedford City, twenty dollars; Staunton, fifty dollars; Fredericksburg, twenty dollars; Petersburg, five hundred dollars; Wytheville, twenty dollars; Appomattox, twenty dollars; Courtland, ten dollars; Franklin, ten dollars; the Warren memorial association, of Front Royal, twenty dollars; Winchester, Virginia, one hundred dollars; Gordonsville, Virginia, fifty dollars; Woodstock, Virginia, twenty dollars; Suffolk, Virginia, twenty dollars.

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CHAP. 16.—An ACT to amend and re-enact section 108 of the Code of Virginia so as to authorize county, city, and district officers who are appointed to fill vacancies to qualify in the same manner as if elected by the people.

Approved February 15, 1906.

1. Be it enacted by the general assembly of Virginia. That section one hundred and eight of the Code of Virginia be amended and re-enacted so as to read as follows: \*

§108. All officers appointed under the two preceding sections to fill vacancies shall, within thirty days after their appointment, qualify and give bond before the court or judge making the appointment, *or before the clerk of the court having authority to make such appointment, in like manner as is provided by section eight hundred and twelve for the*

*qualification of such officers when elected by the people; and if he qualify before the judge in vacation, the judge shall certify the fact, and the certificate and bond shall be returned and recorded as provided by law.*

2. An emergency exists because of the inconveniences and delays heretofore existing, and therefore this act shall be in force from its passage.

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CHAP. 17.—An ACT to amend and re-enact clauses 7 and 39, chapter 5, of an act entitled "an act concerning corporations," which became a law without the governor's signature May 21st, 1903.

Approved February 15, 1906.

1. Be it enacted by the general assembly of Virginia, That sections seven and thirty-nine of chapter five of an act entitled "an act concerning corporations," which became a law without the governor's signature May twenty-first, one thousand nine hundred and three, be amended and re-enacted so as to read as follows:

7. The annual meeting of the stockholders shall be held at such place in this State as may, from time to time, be fixed by the board of directors on such day as may be prescribed in the charter, certificate of incorporation in the articles of association, or in some amendment thereof, or by the by-laws; or if none be so prescribed, on such day as, from time to time, may be appointed by the stockholders in meeting; or if they shall not have appointed, then by the board of directors. A meeting other than the annual meeting may be held at any time upon the call of the board of directors, or of stockholders holding together at least one-tenth of the capital stock.

At any annual or other meeting of stockholders action may be taken upon any subject which is not by this act required to be stated in the notice of meeting, and, in addition thereto, upon any special subject which might be acted upon at a special meeting called for the purpose, when, in the last mentioned case, in the notice of such annual or other meeting, the purpose to consider and act on such special subject is stated.

In all cases, unless other notice be provided in the charter, certificate of incorporation, articles of association, or in some amendment, or by the stockholders in meeting, or by some provision of this act, notice in writing of the time and place of such meeting, whether annual or not, shall be given to each stockholder in person, or by publication at least six times a week for two successive weeks, or once a week for four successive weeks: where no daily paper is published in the county, city or town, in a newspaper published in or near the place where the last annual meeting was held. And in any case where notice is required before a meeting of the stockholders or of subscribers to the capital stock can be held for the purpose of organization, or for any other purpose, such notice and the publication or other service thereof may be waived in writing by, or by the attendance in person, or by proxy of, all the stockholders or subscribers.

39. Every domestic corporation and every foreign corporation doing business within this State shall file in the office of the State corporation commission, after the first election of officers and directors, and annually

thereafter, within thirty days after the time appointed for holding the annual election of directors, a report authenticated by the signature of the president or one of the vice-presidents or of secretary of the corporation stating:

- (a) The name of the corporation.
- (b) The location (county or city, street and number, if any there be) of its principal office in the State, and the name of the agent upon whom process against the corporation may be served.
- (c) The character of its business.
- (d) The amount of its authorized capital stock, if any, and the amount actually issued and outstanding.
- (e) The names and addresses of the officers and directors of the corporation, and when their respective terms of office expire.
- (f) The date, if any, appointed for the next annual meeting of the stockholders.

If such report is not made and so filed, the corporation shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, to be imposed and judgment entered therefor by the State corporation commission and enforced by its process.

CHAP. 18.—An ACT to authorize and empower the board of supervisors of Surry county, Virginia, to contribute to the erection of a monument to the Confederate dead of Surry county.

Approved February 15, 1906.

Be it enacted by the general assembly of Virginia, That the board of supervisors of Surry county, Virginia, be, and it is hereby, authorized and empowered, if it be in the opinion of the said board of supervisors proper and judicious so to do, to contribute out of the county funds a sum not exceeding five hundred dollars to aid in the erection of a monument to the Confederate dead of said county.

CHAP. 19.—An ACT to amend and re-enact section 3695 of chapter 181 of the Code of Virginia.

Approved February 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section thirty-six hundred and ninety-five of chapter one hundred and eighty-one of the Code of Virginia, be amended and re-enacted so as to read as follows:

§3695. Burning dwelling house, jail, prison, boat, and soforth, or barn containing live stock, and soforth, how punished.—If any person, in the night, maliciously burn the dwelling house of another, or any boat or vessel or river craft, in which persons usually dwell or lodge, or any jail or prison, or maliciously set fire to any thing, by the burning whereof such dwelling house, boat, vessel, or river craft, jail or prison shall be

burnt in the night, he shall be punished with death; but if the jury find that at the time of committing the offense there was no person in the dwelling house, boat, vessel, or river craft, jail or prison, the offender shall be confined in the penitentiary not less than five nor more than ten years. And any such burning in the daytime shall be punished by confinement in the penitentiary not less than three nor more than ten years. *And if any person, in the night, maliciously burn any barn, stable, shed or other building containing live stock, the live stock being in the building at the time of the burning, the offender shall be punished by confinement in the penitentiary not less than five nor more than eighteen years.*

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CHAP. 20.—AN ACT to provide that a publication of the Code of Virginia, as amended to the adjournment of the General Assembly of 1904, together with all other statistics of a general and permanent nature including the tax bill then in force, published by the authority of the general assembly and edited by John Garland Pollard, shall be received in the courts of this Commonwealth as *prima facie* evidence of the statutes therein published.

Approved February 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the publication of the Code of Virginia, as amended to the adjournment of the general assembly of nineteen hundred and four, together with all other statutes of a general and permanent nature, including the tax bill, then in force published by the authority of the general assembly and edited by John Garland Pollard, shall be received in the courts of this Commonwealth as *prima facie* evidence of the statutes therein published.

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CHAP. 21.—AN ACT to amend and re-enact section 1 of an act entitled an act to regulate and restrict the shooting and to prevent the destruction of wild fowl in the waters of Back Bay and its tributaries, in the county of Princess Anne, approved March 8, 1902.

Approved February 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to regulate and restrict the shooting and to prevent the destruction of wild fowl in the waters of Back Bay and its tributaries, in the county of Princess Anne, approved March eighth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§1. Be it enacted by the general assembly of Virginia, That it shall not be lawful for any person to shoot at or kill wild fowl in the waters of Back Bay or its tributaries, in the county of Princess Anne, either on or from the land, marshes, and shore, or on or from the waters thereof, by the aid of floats, batteries, sink boxes, blinds, points, or in any other way, or by any other means, from sunset to sunrise of the succeeding day, or to leave any landing or mooring for the purpose of shooting or hunting until sunrise; and all decoys, floats, batteries, blinds, sink boxes, or

other devices, floating or stationary, shall be taken up at sunset and then carried ashore each day. Nor shall any person shoot at or kill wild fowl except from the land or from batteries, sink boxes, points or blinds in the said waters thereof: provided, however, that any person who may have crippled ducks, geese or swan over his decoys may reshoot and capture such game from boats immediately after same shall have been shot down. Nor shall any person shoot at or kill wild fowl on Wednesday and Saturday of each and every week either on or from the land or on or from the said waters of Back Bay or its tributaries.

2. This act shall, on account of an emergency existing, be in force from its passage.

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CHAP. 22.—An ACT to amend and re-enact section 3022 of the Code of Virginia, 1887, in relation to award of writ of *quo warranto*.

Approved February 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section three thousand and twenty-two of the Code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§3022. In what cases writ of *quo warranto* awarded.—A writ of *quo warranto* may be awarded and prosecuted in the name of the State of Virginia in any of the following cases, to-wit.:

First. Against a corporation (other than a municipal corporation) for a misuse or non-use of its corporate privileges and franchises, or for the exercise of a privilege or franchise not conferred upon it by law, or where a charter of incorporation has been obtained by it from a court or the *State corporation commission* for a fraudulent purpose, or for a purpose not authorized by law.

Second. Against a person for the misuse or non-use of any privilege and franchise conferred upon him by or in pursuance of law.

Third. Against any person or persons acting as a corporation (other than a municipal corporation) without authority of law; and,

Fourth. Against any person who shall intrude into or usurp any public office. But no such writ shall be awarded or prosecuted against any person now in office for any cause which would have been available in support of a proceeding to contest the election of such person to such office.

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CHAP. 23.—An ACT to amend and re-enact section 1423 of the Code of Virginia.

Approved February 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and twenty-three of the Code of Virginia be amended and re-enacted so as to read as follows:

§1423. Appointment of trustees to hold such gifts, etcetera; suits by and against them; settlement of their accounts and enforcement of the execution of the trust.

When any such gift, grant or will is recorded, and no trustee has been appointed, or the trustee dies or refuses to act, the circuit court of the county, or the circuit or corporation court of the corporation in which the trust subject, or any part thereof is, in the case of a gift or grant, or in which the will is recorded, may, on the motion of the attorney for the Commonwealth in such court (whose duty it shall be to make such motion), appoint one or more trustees to carry the same into execution. The trustees, whether appointed by, under, or by authority of such instrument, or under a charter of incorporation granted for the purpose of carrying out its provisions, or under this section, may sue and be sued in the same manner as if they were trustees for the benefit of a certain natural person, or as such charter of incorporation may provide; and said trustees shall annually render and state before the commissioner of accounts for the county or corporation wherein the trust subject, or the greater part thereof, is situated, an account showing the investment of the trust funds, the receipts from such investment, or from other sources and the disbursements of the same, in like manner as is required of every personal representative, guardian, curator, or committee, under chapter one hundred and twenty-one of this Code. And in enforcing the execution of any such trust a suit may be maintained against the trustees in the name of the Commonwealth where there is no other party capable of prosecuting such suit. The term "trustees" as herein used shall be construed to mean the persons, or governing body, charged with the execution of the trust, whether designated as "trustees," "directors," or otherwise.

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CHAP. 24.—An ACT to authorize the several cities and towns of this Commonwealth to appoint officers and employees in addition to those expressly authorized in their respective charters and provide for the filling of vacancies in all municipal offices for the unexpired term.

Approved February 17, 1906.

1. Be it enacted by the general assembly of Virginia, That the council of every city or town of this Commonwealth having in their several charters the power to appoint certain municipal officers shall, in addition to such power, have power to appoint such other officers and employes as the council may deem proper, or any committee of such council, or any municipal board, or the mayor of the city or town, or any head of a department of such city or town government, may also appoint such officers and employes as the council may determine, the duties and compensation of which officers and employes shall be fixed by the council of the city or town, except so far as the council may authorize such duties to be fixed by such committee or other appointing power, and may require of any of the officers and employes so appointed bonds, with sureties in proper penalties, payable to the city or town in its corporate name, with condition for the faithful performance of said duties. All officers so appointed may

be removed from office at their pleasure by joint resolution of the two branches, and where the appointment is by a committee or board, by a vote of such committee or board, or where such appointment is by the mayor or head of a department, such removal may be by order of the mayor or head of department. In case of vacancies occurring in any municipal position so authorized to be filled, a qualified person may be appointed to fill such position for the unexpired term by the proper appointing power; and in case of vacancy in any municipal office which is elective by the people, if there be no general election during the unexpired term at which such vacancy can be legally filled, the city or town council may elect a qualified person to fill such vacancy until a qualified person can be elected by the people and shall have qualified for the next succeeding term, or when such general election does occur during the unexpired term at which such vacancy can be filled, such city or town council shall elect a qualified person to fill such vacancy until a qualified person is elected to fill such vacancy at such general election and shall have qualified.

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CHAP. 25.—An ACT to authorize the board of supervisors of any county or council of any city or town to offer rewards for the arrest and conviction of criminals where the crime was committed within the limits of said counties, cities or towns.

Approved February 17, 1906.

1. Be it enacted by the general assembly of Virginia, That when a felony has been committed, or attempted to be committed, in any county, city or town of this State, the board of supervisors of said county, or the council of said city or town, where said offense has been committed may, in their discretion, offer such reward as they think right, not to exceed one hundred dollars, for the arrest and conviction of said criminal. Said reward to be paid out of the county levy or contingent fund of the city or town when duly approved and ordered to be paid.

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CHAP. 26.—An ACT authorizing and directing the auditor of public accounts to accept from the county and city treasurers of the Commonwealth all money collected by such treasurers as poll taxes under orders of the courts since the 1st day of July, 1903.

Approved February 17, 1906.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized and directed to accept from county and city treasurers of the Commonwealth all money already collected or which may be collected by such treasurers as poll taxes under orders of courts since the first day of July, one thousand nine hundred and three.

2. Each county or city treasurer in the Commonwealth shall, on or before July the first of each year, return to the circuit court of his county,



or the circuit court having jurisdiction in his city, a list under oath, showing what capitation taxes he has received under orders of court heretofore or hereafter made, and under the act which became a law December fourth, nineteen hundred and three, entitled "an act to prescribe the manner in which a duly registered voter who has not been assessed with his State capitation tax may pay the same, and to prescribe penalties for a failure on the part of clerks and treasurers to observe the provisions of this act."

The first report shall show all amounts received up to the time it is made, and all subsequent lists shall show the taxes received annually.

3. Such lists shall be examined by the court, and when found correct shall be certified to the auditor of public accounts, who shall charge the treasurer with amount shown to have been collected by him.

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CHAP. 27.—An ACT to repeal sections 1897 and 1898 of the Code of Virginia.

Approved February 17, 1906.

Be it enacted by the general assembly of Virginia, That section eighteen hundred and ninety-seven of the Code of Virginia be, and the same is hereby, repealed; and that section eighteen hundred and ninety-eight of the Code of Virginia be, and is hereby, repealed.

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CHAP. 28.—An ACT to amend and re-enact section 109 of the Code.

Approved February 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section one hundred and nine of the Code of Virginia be amended and re-enacted so as to read as follows:

§109. General elections; when held.—There shall be held throughout the State on the Tuesday after the first Monday in November in the counties and cities, and on the second Tuesday in June in the cities and towns, general elections for all officers required to be chosen at such elections respectively.

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CHAP. 29.—An ACT to allow continuances as of right to parties in any action or proceeding during the session of the general assembly when a member or officer of the general assembly has been employed or retained as attorney prior to the beginning of the session of the general assembly.

Approved February 17, 1906.

1. Be it enacted by the general assembly of Virginia, That any party to any action or proceeding in any court may have a continuance as a matter of right when the general assembly is in session, and a member or officer of the general assembly has been employed or retained by him as

attorney in such action or proceeding prior to the beginning of the session of the general assembly.

2. An emergency existing in that members and officers of the present general assembly now in session are embarrassed in the performance of their duties as such members by a conflict therewith of their duties to clients in suits pending at terms of the court during this session, this act shall be in force from its passage.

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CHAP. 30.—An ACT to provide for the discontinuance of gates on public roads, which provision shall be section 945 of the Code of Virginia.

Approved February 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section nine hundred and forty-five of the Code of Virginia shall be as follows:

§945. Discontinuance of gates.—If it be suggested by any citizen of this State to the board of supervisors of the county in which such gate is that injury or inconvenience results from any gate across a public road, the said board shall cause the owner of such gate to be summoned to appear at the next meeting of the board and show cause why the same should not be discontinued; and upon the return of the order "executed" by any officer authorized to execute process shall determine whether there ought to be such discontinuance or not. If the board decide that the gate shall be removed, it shall direct the commissioner, superintendent, road foreman or other person having charge of such road to remove the gate, and it shall be his duty so to do at such time as the board may direct.

Wherever a road is, or has been, established with gates, and the gates are removed as ordered, and damages are claimed by the party owning the same, the board of supervisors shall appoint viewers to examine and report upon the nature and extent of the damage caused by the removal; and upon their report and other evidence, if any, the board may allow such damages as may appear to be proper, which shall be chargeable on the county. The clerk of the court shall, at the request of either party, or at the direction of the board, issue summons for witnesses to appear before the board, and the board may award the costs of summoning witnesses and of their attendance against the losing party.

From any order of the board of supervisors discontinuing or refusing to discontinue any gate, or awarding or refusing to award damages under this act, any party interested may appeal of a right to the circuit court of the county: provided, notice of such appeal is filed with the board of supervisors or with the county clerk in fifteen days after such order is entered.

2. This act shall apply to all the counties of the State, whether acting under special road laws or not.

3. It being represented that there are cases in which the public interest is suffering by reason of the obstruction of roads by gates, this act shall be in force from its passage.

**CHAP. 31.—An ACT to amend and re-enact section 631 of the Code of Virginia, 1887, relative to the reimbursement of a fiduciary out of estate.**

Approved February 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section six hundred and thirty-one of the Code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§631. Fiduciary to be reimbursed out of estate.—Where taxes or levies are paid by any fiduciary on any estate in his hands or for which he may be liable, such taxes and levies shall be refunded out of said estate.

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**CHAP. 32.—An ACT to provide for the transition of municipalities from the grade of cities of the second-class to the grade of cities of the first-class.**

Approved February 17, 1906.

1. Be it enacted by the general assembly of Virginia, When-ever any city of the second-class first attains a population of ten thousand inhabitants or more, as shown by any legal census heretofore or hereafter taken, such city shall be deemed to have become, ipso facto, a city of the first-class as of the date of the proclamation of that fact by the governor as provided for in section two of this act.

2. Whenever, by any local census authorized by law and heretofore or hereafter taken, it appears that a city has, since the last preceding local, State or federal census attained a population of ten thousand inhabitants or more, it shall be the duty of the judge of the corporation court of such city (or, if there be no such court, then the judge of the circuit court having jurisdiction over such city) to promptly enter that fact of record by an order, to be recorded in one of the order books of his court. At the expiration of the period of sixty days next after the return by the judge to the city council of the result of such local census in accordance with the provisions of the act approved December twenty-second, nineteen hundred and three, entitled "an act authorizing the councils of cities to have a legal enumeration of their population," or of any amendment thereof (whether such return be heretofore or hereafter made), or at the expiration of sixty days next after the final announcement of the result of any other local census taken according to law; or in case a supersedeas to such final return or announcement of any local census be obtained as provided in section three of this act, then, and in that event, at the expiration of ten days after the final decree of the appellate court disposing of such supersedeas and confirming the fact that such city has ten thousand inhabitants or more, the said judge shall certify to the secretary of the Commonwealth the fact that such city has ten thousand inhabitants or more; but should such appellate court in and by its decree disposing of such supersedeas wholly set aside such census, or decide and hold that such city has not as much as ten thousand inhabitants, then such city, until otherwise determined by some subsequent legal census,

shall continue a city of the second-class, and no such certificate as hereinbefore provided shall be sent by such judge to the secretary of the Commonwealth. Upon receipt of such certificate furnished as hereinbefore provided, the secretary of the Commonwealth shall file and preserve the same among the records of his office, and shall report to the governor at once, and to the general assembly at its next succeeding session, the fact of such city having become on the date specified in such certificate a city of the first-class; of which fact the governor, upon receiving such report, shall at once make proclamation. From and after the date of such proclamation all legislative, judicial, and executive bodies and officers in the Commonwealth shall take official cognizance that such city has become and is a city of the first-class, of the fact of which transition the said proclamation shall be conclusive evidence.

3. On the petition of the Commonwealth filed by the attorney-general, or of such city, accompanied by a certified copy of the record, the supreme court of appeals, or any one of the judges thereof in vacation, may, at any time within the period of sixty days specified in section two of this act, but not afterwards, grant a writ of error, or appeal, and supersedeas to the official return or announcement of any local census authorized by law to be taken in any city of the second-class. Such writ of error, or appeal, and supersedeas shall be promptly heard and finally disposed of by the supreme court of appeals at its then existing (or if it be in vacation, then at its or next succeeding) session (regardless of the place of session) immediately after disposing of the criminal cases and appeals from the corporation commission upon the docket of said court and ready for hearing. The said appellate court, in its decree disposing of such supersedeas, shall declare the true and correct population of such city as shown by such local census, after correcting any such errors in such census as may appear to have been made therein, or shall wholly set aside such local census in event it be vitally affected by one or more fatal defects incapable of correction by said appellate court. Such decree disposing of such supersedeas shall be forthwith certified by the clerk of the appellate court to the clerk of the corporation court of such city (or in event there be no such court, then to the clerk of the circuit court having jurisdiction over such city), and the clerk to whom such final decree of the appellate court is so certified shall immediately upon its receipt record the same in one of the order books of his court.

4. Should there be a corporation court of such city existing at the time of such transition, such court shall thereupon become a regular corporation court of a city of the first-class, and its then existing judge shall thereupon become and continue the judge of such court as a corporation court of a city of the first-class for a period corresponding with unexpired portion of his then existing term, and he shall have rank and pay at the rate of twenty-five hundred dollars (\$2,500.00) per year as a regular judge of the corporation court of a city of the first-class from the date of such transition, which salary (unless an appropriation for the payment thereof by the State shall, in the meantime, have been made by the general assembly in anticipation of such transition) shall thereafter be paid to him monthly by such city until the adjournment of the next succeeding

session of the general assembly; but one-half of the salary so paid by such city shall be refunded to it by the State as soon as the necessary appropriation therefor shall be made. After such next succeeding session of the general assembly the said salary shall be paid to the judge directly by the State in the same manner and subject to the same conditions and provisions as in the case of the salaries of other judges of the corporation courts of cities of the first-class.

5. Should there be no corporation court of such city existing at the time of such transition, then such city shall remain without a corporation court until the same shall have been established by the general assembly at its next succeeding session; but the circuit court having jurisdiction over such city prior to said transition shall continue to have jurisdiction over it after such transition until otherwise provided by law.

6. Upon the occurrence of such transition it shall be the duty of the council of such city existing at the time of such transition to prescribe by ordinance (to be approved by the mayor or passed over his veto as prescribed by law), within ninety days next after such transition, the number of members within the limits prescribed by law, who shall compose the upper and lower chambers respectively of the new city council, and to apportion such members among the wards of the city so as to give, as far as practicable, to each ward equal representation in each chamber in proportion to the population of such ward. Upon the failure of the council to perform such duty within said period it shall become the duty of the corporation court of such city (or, if there be none, then of the circuit court having jurisdiction over such city), or the judge thereof in vacation, by order entered of record in such court to forthwith prescribe the membership of such new council and apportion the same as aforesaid.

7. The number of members to compose the two chambers of the new council, respectively, and the apportionment thereof among the several wards of the city, when once fixed as provided by section five of this act, shall not thereafter be changed except in the manner provided by statute for changing the membership of councils and the apportionment thereof in other cases.

8. Whenever the charter of a city of the second-class shall in the matter of the election, apportionment, qualification, term, duties or compensation of any public officer (whether State or municipal), or in the matter of the establishment of any office (whether State or municipal), conflict therein with the general law applicable to cities of the first-class, then such general law, upon the transition of such city from the second to the first-class (and thereafter until otherwise provided by act of the general assembly passed after such transition), shall prevail and take effect as to such city, and such provisions of the city charter existing at the time of such transition conflicting in the matters aforesaid with said general law shall, upon such transition, become, and thereafter remain, inoperative and of no effect.

9. Should such transition occur more than four months before the next succeeding regular election for the city council, or should there be no sufficient time after such transition to provide for the election of a two-chambered council at such next succeeding regular election, then, and in either event, upon the adoption of the ordinance required by section six of

this act, and its approval by the mayor or passage over his veto, or upon the entry of the court order, in lieu of such ordinance, as prescribed by said section six, it shall be the duty of the corporation court of such city (or, if there be none, then of the circuit court having jurisdiction over such city), or of the judge of such court in vacation, to forthwith enter an order upon the records of such court directing the holding within not less than twenty nor more than thirty days next after the date of such order of a special election in such city at which all the members of both chambers of the new city council shall be elected. Such orders shall designate the number of councilmen and aldermen for whom the electors in each ward shall be entitled to vote, and shall designate the day upon which such election shall be held.

10. It shall be the duty of the sergeant of such city to promptly publish notice of such special election in accordance with the said order of the court or judge by posting the same for not less than twenty days at each polling place in such city and at the door of the city hall, and by publishing the same for at least two weeks in every issue during that period of some newspaper of general circulation published in such city, if there be any, the reasonable cost of which publication shall be certified by the sergeant to the city council, which shall provide for the payment thereof out of the city treasury.

11. Except as otherwise expressly provided herein such special election shall be held by the same officers and in the same manner, and its results ascertained, certified, and recorded, and the expenses thereof borne and paid, in the same manner as in the case of regular municipal elections; and the person elected thereat shall, within five days next after such special election, qualify before the mayor of such city or the judge of the corporation court, or of the circuit court, having jurisdiction over such city, and shall hold their respective offices until the next regular election for the members of the city council and until the city council elected at such next regular election shall go into office. Should any person elected at such special election fail to qualify within the said period of five days, his office or seat shall thereupon become vacant, and shall, at the first meeting of the chamber to which he was elected, be filled by those members thereof who shall have qualified within said period, whether such members constitute a majority of the membership of such chamber or not. Should all of the members of either chamber fail to qualify within the said period of five days, then the entire membership of such chamber shall forthwith be filled by appointment of the judge of the corporation court of such city, or if there be no such court, then by the appointment of the judge of the circuit court having jurisdiction over such city. The old council existing at the time of such transition shall cease to exist, and shall become *functus officio* at the end of five days next succeeding such special election; and the new council shall then forthwith go into office and organize, and thereafter, except as herein otherwise expressly provided, such new council shall have all the powers and be subject to all the provisions of law applicable to two chambered councils elected at regular elections.

12. At the first regular election for members of the city council held after such transition all the members of both chambers of the new coun-

cil shall be elected, and shall go into office on the first day of the next succeeding September; and at the first meeting of such new council after such regular election each chamber shall make provision for the subsequent election, every two years, of one-half of the membership of such chamber in the manner prescribed by the general law for the first assembling of city councils after the twentieth day of May in the year one thousand nine hundred and three.

13. Except as otherwise provided in this act, the mayor, city council, and all public officers existing at the time of such transition shall thereafter continue to exercise their functions until their successors shall have been elected, or appointed, and qualified.

14. Where any office not theretofore elective by the people shall by reason of such transition become so elective, then (unless in the meantime, and after such transition, such office shall have been filled at the regular election thereof by the people) the new city council shall by a majority of vote on joint ballot, at its first session, fill such office until the next regular election by the people for such office.

15. This act shall not apply to any city whose government has heretofore been fully organized under special act as that of a city of the first-class, nor shall sections five, six, eight, nine, and ten of this act apply to any city which at the time of such transition may already have a council composed of two chambers.

16. Existing conditions create an emergency, necessitating the prompt going into effect of this act; therefore this act shall be in force from its passage.

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CHAP. 33.—An ACT to amend and re-enact section 1429 of the Code of Virginia as the same has been amended by chapter 509 of the acts of 1902-3-4.

Approved February 19, 1906.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and twenty-nine of the Code of Virginia as the same has been amended by chapter five hundred and nine of the acts of one thousand nine hundred and two, one thousand nine hundred and three, one thousand nine hundred and four, be amended and re-enacted so as to read as follows:

State board of education.—The State board of education shall be a corporation by that name, and shall consist of the governor, the attorney-general, the superintendent of public instruction, and three experienced educators, to be elected quadrennially by the senate from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees of the university of Virginia, the Virginia military institute, the Virginia polytechnic institute, the State female normal school at Farmville, the school for the deaf and the blind, and also of the college of William and Mary (so long as the State shall continue its annual appropriation to the last named institution), together with two division superintendents of schools, one from a county and one from a city, to be selected by the board composed of the



governor, the attorney-general, the superintendent of public instruction, and three experienced educators elected by the senate as herein provided, said division superintendents to have powers and duties identical with those of the other members, except participation in the appointment of any public school official.

**Terms of members.**—The terms of the three members elected by the senate shall be four years: provided, they continue so long on the list of eligibles. The terms of those first elected shall date from March one, one thousand nine hundred and three. The senate shall elect their successors at the session of the general assembly which begins next before the expiration of the term of the members of the board so elected by the senate, and so on from term to term of the members so to be elected. The term of the two division superintendents first selected after the passage of this act shall be two years from the first day of April, nineteen hundred and six: provided, they hold the office of division superintendent so long, and, within thirty days before the expiration of their term every two years thereafter, the appointing board herein provided shall select their successors, whose term shall be two years from the first day of April following their appointment; the terms of those now in office shall continue until the first day of April, nineteen hundred and six.

**Qualification.**—Before entering upon their duties all the members of the board, except the governor, the attorney-general, and the superintendent of public instruction, shall take and subscribe the oaths prescribed by the Constitution before any officer authorized to administer oaths, and said officer shall certify the same; a minute of their qualification shall be entered in the proceedings of the board, and the oaths shall be returned as required by law as to the oaths of other State officers.

**Vacancies in the board.**—Any vacancy occurring during the term of any member of the board, except that of the governor and the attorney-general, shall be filled for the unexpired term by the board.

**President of the board.**—The superintendent of public instruction shall be ex-officio president of the board, and in his absence the members present shall elect a president pro tempore.

**Quorum.**—A majority of the members shall constitute a quorum for the transaction of business.

2. The necessity for removing all doubt about the right of the senate to elect members of the State board of education at the present session creates an emergency, and this act shall be in force from its passage.

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CHAP. 34.—An ACT to authorize the school board of Christiansburg district, No. 4, of the county of Montgomery, to borrow money for the purpose of erecting and furnishing a schoolhouse in or near the town of Christiansburg, and to provide for the payment of the amount which may be borrowed.

Approved February 19, 1906.

1. Be it enacted by the general assembly of Virginia. That the school board of Christiansburg district, number four, of the county of Montgomery, may borrow not exceeding eight thousand dollars (\$8,000.00),

for the purpose of erecting and furnishing a schoolhouse in or near the town of Christiansburg.

2. That said board shall issue its bond or bonds for the money borrowed, payable at such time or times as may be agreed upon, not exceeding fifteen years after their issue, bearing interest not exceeding the legal rate, and payable annually or semi-annually, as may be agreed upon.

Such bond or bonds shall be signed by the chairman and attested by the clerk of said board, and countersigned by the chairman of the board of supervisors of said county, sealed with the county seal, attested by the county clerk.

3. From the school levy for said district there shall be paid, as it matures, the interest on the bonds hereby authorized, and there shall be set aside annually as a sinking fund such a sum as will provide for the payment of the principal when it matures. Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said board may, with the approval of the division superintendent of schools for said county, select.

4. The said board shall annually report to the board of supervisors of said county the amount of the debt outstanding and the amount and condition of the sinking fund.

5. An emergency existing, in this that the arrangements for the erection of the schoolhouse should be promptly made, in order to have it ready for the next session, this act shall be in force from its passage.

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CHAP. 35.—An ACT to authorize the town of Boydton, Virginia, to issue bonds not to exceed four thousand dollars, and to secure the payment thereon by a deed of trust conveying its lot of land with town hall thereon.

Approved February 19, 1906.

Whereas the town council of the town of Boydton has heretofore purchased of C. Haskins and had conveyed to the said town a lot on the north side of Madison street, in the said town, and has contracted for the erection upon said lot of a town hall for said town, which said building is now in process of construction and nearing completion; and

Whereas the said council has borrowed the sum of four thousand dollars with which to aid in the erection of said hall of W. E. Homes (with the understanding embraced in a resolution of said council unanimously adopted and spread upon its minutes), that said Homes should have a lien upon the said lot and the said building now in process of erection thereon; now, therefore,

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the town of Boydton, and it is hereby authorized in order to carry out the understanding aforesaid with W. E. Homes, and to secure the payment of the four thousand dollars aforesaid and interest thereon, to issue coupon or registered bonds in sums not less than one hundred dollars each, and not to exceed in the aggregate the sum of four thousand dollars, to bear interest at a rate not to exceed six per centum per annum, payable semi-annually. Said bonds may be made payable

and may be redeemable, at the option of the council, at such time as the council may declare on the face of each bond.

The said bonds shall be signed by the town of Boydton, by its mayor, and attested by the treasurer of said town, with a scroll or circle of ink attached thereto as and for the seal of said town, and the coupons shall each bear the signature of the treasurer of said town signed thereto.

The said bonds shall be exempt from any and all taxation by the town of Boydton or the town council.

2. That the council of said town may secure the payment of the principal and interest of said bonds by a deed of trust upon the lot aforesaid and building thereon, the said deed of trust to be executed by the said town through its mayor with a scroll or circle of ink attached thereto as and for the seal of the said town.

3. That the council of said town is hereby authorized if, in the judgment of said council, it be necessary or proper, annually to levy and collect taxes sufficient to pay the interest on all bonds issued under this act, and the said council shall provide for the payment of the principal of said bonds when the same shall mature and become payable, and, in their discretion, may create a sinking fund, to be applied to the redemption and payment of said bonds.

4. The necessity existing for the carrying out of this act produces an emergency; therefore this act shall be in force from its passage.

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CHAP. 36.—An ACT to repeal an act of the general assembly of Virginia, approved February 20, 1900, entitled an "act to provide for the working and keeping in repair, opening, and discontinuing the public roads in the county of Brunswick, and for the building and keeping in repair the bridges in the said county."

Approved February 19, 1906.

1. Be it enacted by the general assembly of Virginia, That an act of the general assembly of Virginia approved February twentieth, nineteen hundred, entitled an "act to provide for the working and keeping in repair, opening, and discontinuing the public roads in the county of Brunswick, and for the building and keeping in repair the bridges in the said county," be, and the same is hereby, repealed.

2. This act shall be in force at the end of ninety days from the adjournment of the session of the general assembly.

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CHAP. 37.—An ACT to authorize the city of Portsmouth to issue bonds to continue its sewerage and for street improvement.

Approved February 19, 1906.

1. Be it enacted by the general assembly of Virginia, That the council of the city of Portsmouth be, and it is hereby, authorized, in order to continue the sewerage in said city and for the further improvement of

its streets, to issue coupon or registered bonds not to exceed one hundred and twenty thousand dollars, nor more than one hundred and ten thousand dollars of which shall be issued and used for sewerage, to be known as "Portsmouth sewerage bonds," and not more than ten thousand dollars of which shall be used for street improvement, to be known as "Portsmouth street improvement bonds." The said bonds may be issued in such denominations and at such a rate of interest as may be determined by said council: provided, however, that the rate of interest on the same shall not exceed four per centum per annum, payable semi-annually.

The said bonds shall be made payable in thirty years after their date, and be issued in the name of the city of Portsmouth, and be signed by the president of each branch of the council at the time said bonds are issued, and by the city treasurer, with the seal of the city thereto affixed, attested by the city clerk.

The said bonds shall be subject to no taxation whatever by the city of Portsmouth, and may be disposed of in such manner as the said council may deem expedient: provided, however, that the same shall not be disposed of for less than their par value. The said council shall, for the payment of the interest on said bonds, levy a special tax, or provide for the same out of the general levy: provided, however, that the issue of said bonds shall not increase the debt of said city beyond the constitutional limit (eighteen per centum).

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CHAP. 38.—An ACT to appropriate the further sum of five thousand dollars, or so much thereof as may be necessary, for the assessment of lands.

Approved February 19, 1906.

Whereas the general assembly of Virginia by an act approved March twelfth, nineteen hundred and four, entitled "an act appropriating the public revenue for the five months beginning the first day of October, nineteen hundred and three, and ending on the twenty-ninth day of February, nineteen hundred and four, and for the two fiscal years ending, respectively, on the twenty-eighth day of February, nineteen hundred and five, and the twenty-eighth day of February, nineteen hundred and six," appropriated seventy-five thousand dollars, or so much thereof as may be necessary, to pay cost of assessment of lands; and

Whereas said appropriation has proved insufficient: therefore,

1. Be it enacted by the general assembly of Virginia, That the further sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated to pay the cost of assessment of lands.

2. In view of the fact that the work to be paid for out of this appropriation has been done and the assessors should be paid without further delay, this act is declared to be an emergency act, and shall take effect from its passage.

CHAP. 39.—An ACT to authorize the council of the town of Suffolk to borrow money and issue bonds therefor.

Approved February 19, 1906.

1. Be it enacted by the general assembly of Virginia, That the council of Suffolk be, and hereby is, authorized to borrow for said corporation, in addition to the amount now authorized by law, for the purpose of paving and grading its streets, and for such other purposes of said town as the council may deem necessary, a sum of money not exceeding the sum of one hundred and fifteen thousand dollars, this additional issue not being in excess of the constitutional limitation by the issue and sale of bonds of the said corporation.

2. The said bonds shall be registered or coupon, shall be issued in such denominations as said council shall prescribe, and shall bear interest at a rate not to exceed six per centum, payable semi-annually. The principal of said bonds shall be payable thirty years after their dates. The said bonds shall be signed by the president of the council, attested by the clerk of the council of said town, with the corporate seal attached, and shall be sold and negotiated in such manner and upon such terms as the council shall prescribe: provided, that said bonds shall not be sold for less than their par value.

3. The council of said town shall have power to make annual appropriations out of the revenue of the corporation to pay such interest and to provide a sinking fund for the redemption of said bonds.

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CHAP. 40.—An ACT to provide for signing the records of the board of supervisors where the chairman of any board shall have died, removed from the county, completed his term of office, or for any other reason become incompetent to perform the duties of his office.

Approved February 20, 1906.

1. Be it enacted by the general assembly of Virginia, That where the chairman of any board of supervisors, who should have signed the records of the proceedings of any meeting of the board shall have died, removed from the county, completed his term of office, or for any other reason become incapacitated to perform the duties of his office without such records being signed, it shall be the duty of the board to have such records read at a regular meeting, and if no error therein is shown, to direct its chairman to sign such record, which he shall then do, and it shall enter on its records the fact of such reading and signing, and a reference to such order shall be noted at the place where such signing is done.

2. All records so signed shall be as valid as if they had been signed by the chairman who presided at the time the meeting was held.

3. An emergency existing, this act shall be in force from its passage.

CHAP. 41.—An ACT to amend and re-enact section 603 of the Code of Virginia of 1887, as amended and re-enacted by acts of the general assembly of 1897-1898, page 671.

Approved February 20, 1906.

1. Be it enacted by the general assembly of Virginia, That section six hundred and three of the Code of Virginia, as amended and re-enacted by acts of the general assembly of eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, page six hundred and seventy-one, be further amended and re-enacted so as to read as follows:

§603. When to receive them; shall advertise the time and place; penalty on tax payers after the first of December; treasurer to call on each tax payer; when they may distrain.—Each treasurer shall commence to receive the State taxes and county and city levies on or before the first day of July of each year, or as soon thereafter as he may receive copies of the commissioners' books, and continue to receive the same up to the first day of December thereafter; and for this purpose each county treasurer shall advertise for at least ten days at the courthouse and at the voting places in the magisterial districts, in such manner as may be necessary to give general publicity thereto, upon what day or days he will be at some convenient public places in each magisterial district to receive taxes and levies; and shall, at the time specified, go to the places so designated and remain there one day or more, at his discretion, for the purpose of receiving the State taxes and county levies, and shall receive the same, and so forth. Any person failing to pay any State taxes or county and city levies to the treasurer by the first day of December shall incur a penalty thereon of five per centum, which shall be added to the amount of taxes or levies due from such tax payer, which, when collected by the treasurer, shall be accounted for in his settlements.

It shall be the duty of the treasurer, after the first day of December, to call upon each person chargeable with taxes and levies who has not paid the same prior to that time, or upon the agent, if any, of such person resident within the county or corporation for payment thereof; and upon failure or refusal of such person or agent to pay the same he shall proceed to collect them by distress or otherwise: provided, that should it come to the knowledge of the treasurer that any such person or persons owing such taxes or levies is moving or contemplates moving from the county or corporation prior to the first day of December, he shall have power to collect the same by distress or otherwise at any time after such said bills shall have come into his hands: provided, further, that it shall not be necessary for the treasurer of the county of Henrico to designate or to go to any place other than the county courthouse in the city of Richmond in order to receive the taxes and levies to be paid to such treasurer.

CHAP. 42.—An ACT to repeal an act approved March 14, 1904, entitled "an act in relation to fish ladders on the Rapidan river," etc.

Approved February 20, 1906.

1. Be it enacted by the general assembly of Virginia, That the act of assembly, approved March fourteenth, one thousand nine hundred and four, entitled "an act in relation to fish ladders on the Rapidan river, between the counties of Culpeper, Orange, and Madison," be, and hereby is, repealed.

2. It appearing that on account of the lateness of the season it is advisable that this act shall go in force at once; therefore, an emergency existing, this act shall be in force from its passage.

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CHAP. 43.—An ACT to change the name of the town of Maysville, in Buckingham county, to Buckingham.

Approved February 20, 1906.

1. Be it enacted by the general assembly of Virginia, That the name of the town in the county of Buckingham heretofore known as Maysville, incorporated by act of assembly passed June second, eighteen hundred and fifty-two, be, and the same is hereby, changed to Buckingham.

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CHAP. 44.—An ACT to provide for the appointment of a secretary of Virginia military records, prescribing his duties, and for collecting materials for the "History of Virginia in the Civil War"; and to appropriate the sum of \$7,600 for the years of 1906-1907 to defray the necessary expenses of the office.

Approved February 20, 1906.

Whereas under the act approved March seven, nineteen hundred and four, a secretary of the Virginia military records was appointed for the purpose of co-operating with the war department of the United States, in its design to obtain and publish under act of congress, a complete roster of the officers and enlisted men of the Union and Confederate armies under the direction of the secretary; and

Whereas much has been accomplished by the secretary of Virginia military records in the collection of muster rolls, records, and materials bearing on military history in Virginia in the several wars, but much remains to be accomplished to the end that the State may do its part to preserve the names of those who served it in war and the memories of their deeds, and may fully co-operate with the worthy efforts of the Federal government in this direction.

*Governor to Appoint.*

1. Be it enacted by the general assembly of Virginia, That there shall be appointed by the governor, with the consent of the commander of the grand camp of the Confederate veterans of Virginia, a secretary, whose duty it shall be forthwith to collect, so far as it has not already been accomplished, all muster rolls, records, and other materials showing the officers and enlisted men of the several companies, battalions, regiments, and other military organizations from Virginia in the military, marine, or naval service of the Confederate States, and the name of all Virginians of whatever rank in the military, marine, or naval service of the Confederate States, whether regulars, volunteers, conscripts, militia, reserves, home guards, or local troops.

2. The said appointee shall be known as the secretary of Virginia military records. He shall, by advertisement, visitation, correspondence, search, and by every other proper means at his command, seek to obtain the muster rolls, records, or other material above indicated (so far as this has not already been done), and shall receive them either by gifts or loan to the State. He shall turn over to the State librarian of Virginia all such muster rolls, records, together with a separate transcript of same, and other materials so procured by him, and the librarian shall cause the originals to be transmitted to the war department of the United States, to be copied and used in the preparation of the roster above referred to, in so far as needed for that purpose. This shall be done with the understanding on the part of the United States and the State of Virginia alike, that they shall be returned when copied to the State library, or to the owner, as the librarian may direct; but in any case the State librarian shall keep in his possession the transcripts herein provided for. The State librarian is hereby authorized and requested to co-operate with the secretary of the Virginia military records, to the end that this work be speedily done.

*Secretary's Duties.*

3. He shall prepare a short history, showing the organization of every regiment, battalion, company or other organization that was in the military, naval or marine service of Virginia, or was contributed by Virginia to the military, marine, or naval service of the Confederate States, whether regulars, volunteers, conscripts, home guards or local troops, militia or reserves, and stating, as far as practicable, the service rendered and the battles, combats or skirmishes in which they were engaged.

He shall also, as far as practicable, collect pictures and photographs of the officers and soldiers who served in the civil war and deliver them to the librarian, to be preserved by the State.

He shall ascertain and report what counties, cities or towns have caused the rolls of the organizations contributed by Virginia to be put on record, and where this has not been done shall encourage its accomplishment.



He shall make a list and report of all battles, combats and actions which took place in Virginia during the civil war, and annotate upon a map of Virginia, which shall show the counties in which they were fought.

4. The secretary of military records shall commence his duties immediately upon his appointment.

He shall hold office from the time of his appointment until the assembling of the general assembly, to be next elected at the general election to be held in November, nineteen hundred and seven.

The governor shall have the power to remove said secretary for any reason he may deem proper, and to appoint another in his stead at any time. Such new appointment to be with the consent of the commander of the grand camp of the Confederate veterans of Virginia.

Upon the assembling of the general assembly to be elected in November, nineteen hundred and seven, the office of the military records shall cease, and this act cease to be in force, unless it shall be otherwise provided by the general assembly.

5. The secretary of military records shall receive a salary at the rate of two thousand dollars per annum, payable in monthly installments, upon the warrant of the auditor of public accounts.

He is hereby authorized to employ an assistant as chief clerk, who shall receive a salary of twelve hundred dollars per annum, payable in monthly installments, upon the warrant of the auditor of public accounts. Said assistant or chief clerk shall be removable at will as well as appointive by the secretary of military records.

6. The governor of the Commonwealth is hereby authorized and empowered to allow the secretary of military records such additional clerical assistance, as the secretary may apply for, and as the governor may deem necessary and expedient: provided, the cost thereof do not exceed three hundred dollars per year, and also an allowance for postage, expressage, and other incidental expenses of office work not exceeding three hundred dollars per year, and upon the governor's approval and by his direction the payment therefor, within the limit named, shall be made upon the warrant of the auditor of public accounts.

7. There is hereby appropriated the sum of seven thousand six hundred dollars for the two years, nineteen hundred and six and nineteen hundred and seven, to pay the salaries and necessary expenses of this office out of any money in the State treasury not otherwise appropriated, to be paid out as provided by section six of this act.

8. By reason of the facts set forth in the preamble of this act there is an emergency that demands its immediate operation, and the same shall be in force from its passage.

CHAP. 45.—An ACT to amend and re-enact section 2494 of the Code of Virginia, 1887, as amended and re-enacted by an act entitled "an act to amend and re-enact section 2494 of the Code of Virginia, 1887, in relation to lien on crops for advances to farmers; nature of agreement therefor; where and in what manner docketed, and the effect thereof, and the clerk's fee therefor," approved February 29, 1892.

Approved February 20, 1906.

1. Be it enacted by the general assembly of Virginia, That section two thousand four hundred and ninety-four of the Code of Virginia, eighteen hundred and eighty-seven, as amended and re-enacted by an act entitled an act to amend and re-enact section two thousand four hundred and ninety-four of the Code of Virginia, eighteen hundred and eighty-seven, approved February twenty-ninth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§2494. Lien on crops for advances to farmers; nature of agreement thereof; where recorded.—If a person other than a landlord make advances, either in money or supplies, to any one who is engaged in, or is about to engage in, the cultivation of the soil, the person so making such advances shall be entitled to a lien on the crops which may be made or seeded during the year upon land, in or about the cultivation of which the advances so made have been or were intended to be expended to the extent of such advances: provided, however, that an agreement in writing shall be entered into before any such advances are made, in which shall be specified the amount to be advanced, or in which a limit shall be fixed, beyond which the advances made, from time to time, during the year, shall not go, and the said agreement be delivered to the clerk of the circuit court in which the land lies, and by him docketed in a book to be kept by him for that special purpose. Such agreement shall be docketed by said clerk in the same manner that judgments are now required by law to be docketed, and shall have the same force and effect as if they were recorded in the deed-book, and for such service said clerk shall receive a fee of twenty-five cents.

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CHAP. 46.—An ACT to amend and re-enact section 18 of the charter of the town of Suffolk as heretofore amended.

Approved February 20, 1906.

1. Be it enacted by the general assembly of Virginia, That section eighteen of the charter of the town of Suffolk, as heretofore amended by acts approved, respectively, February eighth, eighteen hundred and eighty-six, and February fifteenth, nineteen hundred, be amended and re-enacted so as to read as follows:

§18. Whenever any business, trade, occupation, calling, or any other thing, is to be done within the town of Suffolk for which a State license is or may, under the Constitution of this State, or the constitution and laws of the United States, be required, the council may require a town license

to be had for doing the same, and may impose a tax thereupon for the use of the town before any person, firm or corporation shall be permitted to pursue such business, trade, occupation, calling, or any other thing, within the corporate limits of said town.

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CHAP. 47.—An ACT to amend and re-enact section 2 of an act approved February 10, 1904, entitled "an act to make valid any disposition of property in perpetuity for the maintenance or care of cemeteries, cemetery lots, monuments, and other erections, and authorizing cemetery companies and trustees holding title to cemeteries or burial grounds to take and hold any property according to the terms of the grant, bequest, devise or gift."

Approved February 20, 1906.

1. Be it enacted by the general assembly of Virginia, That section two of an act approved February tenth, nineteen hundred and four, entitled "an act to make valid any disposition of property in perpetuity for the maintenance and care of cemeteries, cemetery lots, monuments and other erections, and authorizing cemetery companies or trustees holding title to cemeteries or burial grounds to take and hold any property according to the term of the grant, bequest, devise or gift," be amended and re-enacted so as to read as follows:

§2. Any gift, grant, bequest or devise from any one person for any and all purposes named in section one shall not exceed one thousand dollars in value or amount. And the aggregate amount and value of all gifts, grants, bequests and devises which may be held for the improvement, repair or embellishment of any single lot in any cemetery or burial ground, including the monuments, tombs, and vaults therein, shall never exceed one thousand dollars at any one time. All gifts, grants, bequests, and devises for such purposes in excess of the amount herein named shall be void.

Nothing herein contained shall be construed as limiting the amount which may be given, bequeathed or devised to defray the original cost of the cemetery, burial lot, monument, vault, or like erection or structure.

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CHAP. 48.—An ACT to establish an epileptic colony on land of the Western State hospital, in Amherst county.

Approved February 20, 1906.

Whereas the existing State hospitals for the white insane are now taxed to their fullest capacity, and will be insufficient in the near future for the care of all such unfortunate persons; and

Whereas there are in the said hospitals about two hundred and fifty patients suffering from epilepsy, so environed as to be harmful to themselves and their associates; and

Whereas there is probability of improvement and cures, under special hygienic surroundings, congenial employment, and scientific medical

treatment, such as may be available at a separate colony, which appears to be the most economic, beneficial, and satisfactory method of caring for epileptics; and

Whereas it appears from the report of the commissioner of State hospitals that unless additional accommodations are provided it will be necessary in the near future to incarcerate in the jails a large number of insane and white epileptic citizens of the Commonwealth, and that it is more economical and humane to treat such unfortunates in hospitals than in jails: therefore,

1. Be it enacted by the general assembly of Virginia, That the special board of directors of the Western State hospital, under the supervision and control of the general board of directors of the State hospitals for the insane, be, and they are hereby, authorized and directed to erect on the tract of land in Amherst county, opposite the city of Lynchburg, devised to the said Western State hospital by the will of Sidney R. Murkland, deceased, out of consideration for the kindly and humane treatment of his son at said hospital, all suitable buildings and appurtenances for the establishment of a colony for the reception, care, treatment, training, and employment of three hundred epileptic patients.

2. It shall be the duty of the said special board of directors to procure from a competent architect or architects all necessary plans and specifications for such buildings and appurtenances for the proper use and conduct of said colony, and when the same shall have been obtained, after approval of the general board, to advertise for and open bids for the erection of such buildings and appurtenances, and, under the supervision of said general board, to award a contract or contracts for the erection and completion thereof.

3. When such buildings, or a sufficient number of them, shall have been completed, equipped, and furnished, and ready for occupation, the superintendent of said Western State hospital shall, with the approval of the said special board, designate from the corps of assistant physicians at said Western State hospital a sufficient number of physicians, who shall be residents at said colony. The superintendent shall visit the colony once a month, and oftener, if necessary, and give such directions as he may deem proper. Said general board shall have the care and control of said colony as a part of the said Western State hospital, and the care, control, and treatment of the patients committed to said colony subject to the laws, rules, and regulations governing said Western State hospital. Said special board shall, subject to the approval of the general board, appoint all the other proper resident officers of said colony. The superintendent of said Western State hospital shall appoint, and may remove, with the approval of the special board, all other employees of such colony.

4. When the said colony shall be ready for the reception and care of patients, and as rapidly as suitable accommodations can be provided, all the epileptic patients from the other white hospitals shall, under the direction of the said general board, be transferred to, and received as patients in, said colony.

CHAP. 49.—An ACT to authorize the town of Courtland, in Southampton county, Virginia, to issue bonds and secure same by deed of trust, and appropriate the proceeds thereof to the erection of a public school building in the said town.

Approved February 20, 1906.

1. Be it enacted by the general assembly of Virginia, That upon the compliance of the town of Courtland, in Southampton county, Virginia, with the provisions of the Code of Virginia as to issuing bonds by cities and towns, the town council of the said town is hereby empowered and authorized to borrow a sum of money, not to exceed five thousand dollars, for the purpose of erecting a public school building in the said town, and to issue bonds therefor, payable out of the town funds, and to secure said bonds by deed of trust on said building and the lot upon which the same may be erected in the said town. The said bonds shall be issued in such a manner, and payable at such time, as the council of the said town shall direct, not to exceed five years after their issue, with the power and right to the town to redeem or pay off said bonds at any time they may see fit. Such bonds and deed of trust shall be executed by the mayor of the said town and attested by the recorder, and said bonds shall bear interest not to exceed the legal rate: provided, this issue of bonds and the indebtedness incurred thereby does not exceed the constitutional limit.

2. The council of the town of Courtland shall make suitable provision for the payment of such bonds in accordance with the general laws applicable to such cases.

3. On account of the immediate necessity of a public school building in the town of Courtland this act is declared an emergency act, and shall be in force from its passage.

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CHAP. 50.—An ACT to amend and re-enact section 437 a of an act approved December 10, 1903, amending and re-enacting chapter 23 of the Code of Virginia, in relation to the assessment of lands and lots, so that said section shall apply to and provide for the assessment of standing timber trees, and to make the same retrospective as to certain assessments.

Approved February 21, 1906.

1. Be it enacted by the general assembly of Virginia, That section four hundred and thirty-seven a of chapter twenty-three of the Code of Virginia in relation to the assessment of lands and lots, as the same was amended and re-enacted by an act approved December ten, nineteen hundred and three, be, and the same is hereby, amended and re-enacted so as to read as follows:

§437 a. The several commissioners of the revenue of this State shall, on or before the first day of August, nineteen hundred and three, and every second year thereafter on or before the fifteenth day of May, specially and separately assess at the fair market value all mineral lands, and the improvements, fixtures, and machinery thereon, and all standing mer-

chantable timber trees heretofore or hereafter sold and conveyed to parties not owning the surface within their respective districts, and shall enter the same on the land books of their respective districts separately from other lands charged thereon, and shall extend the taxes upon said lands, improvements, fixtures, and machinery, and said standing merchantable timber trees, assessed as aforesaid at the rate fixed by law upon tangible property.

The commissioner, in assessing mineral lands, shall set forth upon the land book the area and the fair market value thereof, first, of such portion of each tract as is improved and under development; second, the fair market value of the improvements, fixtures, and machinery upon each tract; and third, the area and the fair market value of such portion of each tract as shall not be under development; and in assessing standing merchantable trees he shall set forth the number, description or kind of timber and the fair market value thereof. If the surface of the land is held by one person, and the standing merchantable timber trees, or the coal, iron, and other minerals, mineral waters, gas or oil under the surface be held by another person, the estate therein of each, and the relative fair market value of their respective interest, shall be ascertained by the commissioner. If the surface of the land and the coal, iron, and other minerals, mineral water, gas or oil under the surface be owned by the same person, the commissioner shall ascertain the fair market value of the land, exclusive of said coal, iron, other minerals, mineral waters, gas or oils; and also ascertain in addition the fair market value of the said coal, iron, other minerals, mineral waters, gas, and oils, and shall assess each at such ascertained values, stating separately, however, in every case the value of the surface of the land and the value of the said coal, iron, other minerals, mineral waters, gas, and oils under the surface.

And every such assessment as is herein provided for, heretofore made by any commissioner in this State, shall nevertheless be valid and binding in so far as it would be valid and binding, had it been made after this act goes into effect.

The several commissioners shall, on or before the first day of August, nineteen hundred and three, and on or before the fifteenth day of May in every second year thereafter, certify a copy of such assessments made in their respective districts of mineral lands and mineral rights as aforesaid to the State corporation commission, with the name and postoffice address of each person, firm or corporation in whose name any such lands or interest therein shall have been assessed upon the land book of his district with the amount of tax extended thereon. Upon receiving the copy aforesaid the corporation commission shall examine into the justice of any such assessments, and if it shall appear to the commission that any tract of land, or any part thereof, or the improvements, fixtures, or machinery thereon, or any right or interest in the same, or any part thereof, has not been assessed at its fair market value, the said commission shall direct the attorney for the Commonwealth for the county or corporation wherein such land or interest therein so assessed is situated, or any other special attorney it may designate, to apply in the name of the Commonwealth to

the circuit court of the county or corporation court of said city to have said assessment corrected, which court shall have jurisdiction for the purpose.

Any person feeling himself aggrieved by the assessment of his lands or interest therein hereunder may, at any time prior to the first day of February next succeeding, apply to the circuit court of the county or corporation court of the city in which the land lies to have said assessment corrected. Said application may be made either by motion in open court or by filing a petition in the clerk's office of said court, setting forth the lands or mineral rights on which the assessment complained of is made, praying that said assessment may be corrected; and the said court, at its next term after the filing of said petition, shall hear the said cause and enter such judgment as to it shall seem proper. The Commonwealth's attorney and the commissioner of the revenue who made the assessment shall be made defendants to such petition or motion, and written notice shall be served upon them at least five days prior to the day fixed for the hearing of such motion or petition. Continuances of the hearing of said motions or petitions may be granted for good cause. The proceedings upon any such application shall conform to section four hundred and forty-four of the Code of Virginia, and all amendments thereof, except so far as in conflict herewith: provided, that the Commonwealth and the person whose property is assessed shall have the right of appeal from the decision of said circuit or corporation court to the supreme court of appeals. The said State corporation commission, for the purpose of this act, may make, or cause to be made, such examination of the said lands or improvements, fixtures, and machinery thereon as it may deem necessary, and may summon and compel the attendance of witnesses, and call for such information, and require the production of such books and papers as it may deem necessary in the premises.

2. In view of the fact that there are now pending in some of the courts of the Commonwealth proceedings for the purpose of invalidating certain assessments of standing timber trees heretofore made, an emergency is hereby declared to exist for making this act immediately operative, and it shall therefore be in force from the date of its passage.

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CHAP. 51.—An ACT to amend and re-enact an act entitled "an act to amend and re-enact section 50 of chapter 7 of the Code of Virginia in relation to the apportionment of representation in congress," approved February 15, 1892.

Approved February 23, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to amend and re-enact section fifty of chapter seven of the Code of Virginia, in relation to apportionment of representation in congress," approved February fifteenth, one thousand eight hundred and ninety-two, be amended and re-enacted to read as follows:

§50. The counties of Accomac, Northampton, Lancaster, Richmond, Northumberland, Westmoreland, Gloucester, Middlesex, Mathews, Essex,

King and Queen, Caroline, Spotsylvania, Elizabeth City, Warwick, York, and the cities of Newport News and Fredericksburg, shall form the first congressional district.

The cities of Norfolk and Portsmouth and the counties of Princess Anne, Norfolk, Nansemond, Isle of Wight, and Southampton, shall form the second congressional district.

The cities of Richmond and Manchester and the counties of Henrico, Goochland, Chesterfield, New Kent, Hanover, and King William, James City, Charles City, and the city of Williamsburg, shall form the third congressional district.

The city of Petersburg and the counties of Prince George, Surry, Sussex, Dinwiddie, Greenesville, Brunswick, Mecklenburg, Lunenburg, Nottingham, Amelia, Powhatan, and Prince Edward, shall form the fourth congressional district.

The city of Danville, the town of North Danville, and the counties of Pittsylvania, Franklin, Floyd, Henry, Patrick, Carroll, and Grayson, shall form the fifth congressional district.

The cities of Roanoke, Lynchburg, and Radford, and the counties of Montgomery, Bedford, Campbell, Charlotte, Halifax, and Roanoke, shall form the sixth congressional district.

The cities of Winchester and Charlottesville and the counties of Frederick, Clarke, Warren, Rappahannock, Madison, Greene, Albemarle, Rockingham, Shenandoah, and Page, shall form the seventh congressional district.

The city of Alexandria and the counties of Loudoun, Fairfax, Alexandria, Fauquier, Culpeper, Orange, Louisa, King George, Stafford, and Prince William, shall form the eighth congressional district.

The counties of Lee, Scott, Wise, Dickenson, Buchanan, Russell, Washington, Smyth, Bland, Tazewell, Wythe, Pulaski, Giles, and Craig, and the city of Bristol, shall form the ninth congressional district.

The cities of Staunton and Buena Vista and the counties of Augusta, Highland, Bath, Alleghany, Rockbridge, Amherst, Nelson, Appomattox, Buckingham, Fluvanna, Cumberland, and Botetourt, shall form the tenth congressional district.

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CHAP. 52.—AN ACT to authorize the sale of lots purchased by the Commonwealth for delinquent taxes and not redeemed within four years or more.

Approved February 23, 1906.

Whereas it appears that at different periods, in many sections of the Commonwealth, there has been more or less speculation in city and town lots, and the lots in projected cities and towns; and

Whereas it further appears that during such periods a large quantity of land has been subdivided into lots, and the lots sold, or offered for sale, at inflated prices; and

Whereas it further appears that in many cases such lots are now of little value, and that they have been practically abandoned by their owners,



and purchased by the Commonwealth for delinquent taxes, and that in many cases they will not now sell for a sum sufficient to pay the amount paid for them, together with such additional sums as would have accrued from taxes, levies, and interest, if such real estate had not been so purchased; now, therefore,

1. Be it enacted by the general assembly of Virginia, That during the month of August, annually, the clerk of the circuit court of each county, and the clerk of each corporation court, shall prepare a list of all town and city lots within his county or corporation, and of all lots which are a part of some plat or subdivision of land, made as provided by acts of eighteen hundred and eighty-seven and eighteen hundred and eighty-eight, chapter four hundred and eighty-six, and acts amendatory thereof, whether within the corporate limits of a town or city or not, which have been purchased by the Commonwealth for delinquent taxes more than four years prior to January first of the year in which such list is made, and which have not been redeemed; and said list shall show the person in whose name the lot stood at the time of the purchase by the Commonwealth, and the amount required to redeem each of said lots, including amount of taxes due for the year in which such lot is sold, and the amount due the State, county, and corporation, respectively, shall be stated in separate columns. The amount required to redeem any such lot shall be ascertained by charging against the same the amount paid therefor by the Commonwealth (including the taxes due the county, district, town, or city at the time of sale, if the amount bid by the Commonwealth was not sufficient to cover same), and such additional sums as would have accrued from taxes, levies, and interest if such real estate had not been purchased by the Commonwealth, with interest on the amount for which said sale was made, or on all amounts then due for taxes on said real estate, at the rate of six per centum per annum, from the day of sale, and on the additional sums from the fifteenth day of December in the year in which the same would have accrued, and the amounts due the State, county (including town or district), and city shall be stated in separate columns.

2. As soon as completed, which shall not be later than September first of each year, the clerk shall deliver said list to the treasurer of his county or corporation, and within thirty days after receiving said list the treasurer, if he be an officer of a city, shall post a printed copy thereof in at least five public places in each ward of his city. If the treasurer be an officer of a county, he shall post a copy at the front door of the courthouse of his county on the first day of the circuit court occurring next after receiving such list, and also a printed copy in at least five public places in each magisterial district in said county. And the expense thereof, as well as the printing and publication of said list, shall be paid by such county, city or town, as the case may be, but shall be apportioned among the delinquents according to the amounts due by them, respectively, as prescribed by section one of this act, and added to the respective amounts so due. To each copy thus posted and published the treasurer shall attach a notice that the real estate therein mentioned, or so much of each parcel thereof as may be necessary to satisfy the amount required to

redeem the same, including its proportion of the costs and charges as aforesaid, will be sold at public auction on the first day of the corporation or circuit court of the county or corporation occurring thirty days from the first publication of such notice, between the hours of ten in the morning and four in the afternoon, in front of the courthouse of his county or city, unless the amount required to redeem said lots, together with costs and charges as aforesaid, shall have been previously paid to such treasurer.

3. If the amount required to redeem, including costs and charges as aforesaid, be not previously paid, the treasurer shall proceed at the time advertised to make sale of said lots, which shall be sold separately, at public auction, for cash, to the highest bidder, and the sale may be adjourned from day to day, and proceed, between the hours aforesaid, until completed.

The treasurer conducting the sale and his deputies shall not, directly or indirectly, purchase any real estate sold. If he does, he shall forfeit fifty dollars for each such purchase, and the same shall, moreover, be void.

4. The treasurer, on receiving from a purchaser the amount of his purchase, shall give him a receipt for the same, in which he shall set forth with reasonable certainty a description of the lot sold, in whose name it was sold, the price paid, and the amount required to redeem the said lot as aforesaid, for which receipt the purchaser shall pay the treasurer twenty-five cents; but all lots which stand in the name of one person purchased by the same person on the same day shall be included in the same receipt.

5. Within thirty days after the sales have been completed, or at the next term of the circuit or corporation court thereafter, the treasurer shall report said sales, and shall state in his report, in separate columns, the name of the said person charged with taxes on each lot, at the time of its sale to the Commonwealth, the amount required to redeem each lot, giving the amount due the State, county (including district or town) or city separately, the proportionate part of the costs of sale charged against each lot, the name of the purchaser and the amount of his bid. In all cases where no bid is received for a lot, it shall be reported not sold for want of bidders, and such lots shall be included in the list to be made by the clerk the next year, as required by section one of this act. Said report shall have attached thereto the affidavit of the treasurer to the correctness thereof, and that he and his deputies are in no way interested in the purchase of any lot sold by him.

6. The court, if it find said list correct, or having corrected the same where there is error, shall confirm the report and order it to be recorded and properly indexed in a book kept for the purpose, and to be known as "lot sales by the Commonwealth."

7. After the confirmation of the report of sales provided for in the preceding section, the purchaser may enter and hold possession of the real estate purchased by him in accordance with the provisions of section six hundred and forty-six of the Code.

8. The clerk of said court shall certify a copy of said report to the auditor of public accounts within thirty days after the date of such confirmation.

Upon receiving the copy aforesaid, the auditor shall charge the treasurer with whatever is due the Commonwealth on account of sales so made by him, but if the sale of any lot should be for an amount insufficient to pay in full the amount required to redeem the same as aforesaid, the proceeds of sale shall be applied pro rata to the amounts due the State, county and corporation, respectively, after deducting therefrom the costs of said sale, as shown by said report; and in such cases the auditor shall charge said treasurer with such pro rata only of the proceeds of sale as may be due the State. The amount charged against him as aforesaid, less ten per centum commission, the treasurer shall pay into the treasury of the State within sixty days from the confirmation of the sale. It shall be the duty of the clerk of the circuit court of a county to lay a copy of said report before the board of supervisors of the county, and the duty of the clerk of the corporation court of a city to lay a like copy before the council of such city, at the next meeting thereof, who shall charge the treasurer with whatever is due on account of said sales as shown by said report, and he and his sureties on his official bond shall be liable therefor, and he shall likewise be liable for any amount realized from the sale of any lot in excess of the amount required to redeem the same as hereinbefore stated. At the time of furnishing the copies of said report, as provided by this section, the said clerk shall cause the lien of all taxes, levies, and assessments upon the lots sold, as shown by said report, to be marked satisfied upon the lists of delinquent lands, although the amount realized from the sale of said lots may have been insufficient to pay the amount required to redeem the same, as provided by this act.

9. Any person aggrieved by reason of the confirmation of such sales, or the treasurer, on his motion, where a mistake has been made, may apply to the circuit court of the county or corporation court of the city of the treasurer who made such sale at any time previous to the execution of the deed hereinafter provided for, and upon showing that the taxes and levies assessed upon such real estate are not for any cause justly due, or that the said real estate is not liable for the same, such court may set aside and annul such sale and exonerate such real estate from such taxes and levies, and order the restitution of the purchase money to the purchaser, and make such order or orders as may be just and proper. The treasurer (when such motion is not made by him), the purchaser, and the Commonwealth's attorney shall have at least five days' notice of the application, and the Commonwealth's attorney shall be present and defend the same.

10. At any time after four months and within one year from the confirmation of any report of sale as aforesaid, if the real estate so sold has not been redeemed by paying the whole amount paid by said purchaser, and any additional taxes, levies, costs, and charges as may have been paid by him since the sale, the purchaser of any such real estate, his heirs or assigns, shall obtain from the clerk of the circuit court of the county, or the corporation court of the city, whose officer has sold such real estate, a deed conveying the same, in which shall be set forth all the facts appearing of record in the clerk's office in relation to the sale. The deed shall describe the lot with reference to the plat of subdivision of which it forms a part, and according to which it was sold, or in such other way as will

definitely describe it, and such information as may be necessary for such description, not appearing in his office, shall be furnished to the clerk by the purchaser at his own cost.

11. If no such deed or order of the court be made as provided by this act within one year from the confirmation of the report of sale as herein provided, the former owner, his heirs or assigns, or any person having the right to charge such lot with a debt, may, after such year and before such deed or order is made, redeem said lot by paying the whole amount paid by such purchaser, and any such additional taxes, levies, costs, and charges as may have been paid by him since the sale, with interest at the rate of six per centum per annum on the amount so paid, and should the purchaser refuse to receive such amount, or not be found, or not reside in the county or corporation, the same may be paid to the clerk of the circuit court of the county or the clerk of the corporation court of the city.

12. When the purchaser of any real estate so sold, his heirs or assigns, has obtained a deed therefor, and the same has been duly admitted to record in the county or corporation in which such real estate lies, the right or title to such estate shall stand vested in the grantee in such deed, as it was vested in the party assessed with the taxes and levies thereon at the commencement of the year for which the taxes or levies were assessed for which it was sold, or any person claiming under such party, subject to be defeated only by proof that the taxes or levies for which said real estate was sold to the Commonwealth, were not properly chargeable thereon, or that the taxes and levies properly chargeable on such real estate have been paid.

13. Nothing in this section shall be so construed as to effect or divest the title of a tenant in reversion or remainder to any real estate which has been returned delinquent and sold on account of the default of the tenant for life in paying the taxes and levies assessed thereon.

14. In all cases where the amount realized from the sale of a lot is in excess of the amount required to redeem the same, as herein provided, the treasurer shall enter such excess on his books to the credit of the party in whose name the lot stood on the land books of his county or corporation at the time of the sale to the Commonwealth, and forthwith deposit the amount of said excess in some bank in which funds for the county or city are deposited, to be known as "excess from lot sales," and funds so deposited shall not be used by the county or city for any purpose whatever, but paid over to the party or parties entitled thereto, upon satisfactory evidence of such fact, if called for in five years after confirmation of the report of sale.

At the expiration of his term of office the treasurer shall pay over and transfer all funds deposited as aforesaid to his successor, except that all sums not called for within five years after report of sale, shall be paid into the treasury of the State and become the property of the State.

15. For the services required of him by this act the clerk shall receive the following fees: For making the report required by section one, the sum of five cents for each lot, to be paid by the State; for making the copy of said report to be furnished the board of supervisors of a county, or the council of a city, the sum of five cents per lot, to be paid by the county or city; for preparing, executing, and acknowledging a deed to the

purchaser of any lot or lots, the sum of one dollar, to be paid by the purchaser; but all lots which stand in the name of one person, purchased by the same person on the same day may be included in the same deed.

16. And it is further provided that where such lot or lots are involved in a chancery suit which has been brought by creditors or otherwise for the sale of such lot or lots, and a decree for the sale of such lot or lots has been made, and a special commissioner appointed for the purpose, and two years shall have elapsed after the entry of such decree for sale, then the court shall enter a decree requiring the former owner or some person who has a right to redeem such lots, or some party to the said chancery suit interested in the proceeds of the sale of said lots to pay up all past due taxes, interest, fees, and penalties thereon by the next term of the court, after such decree is entered, and if this decree is not complied with by that time, then the court shall enter a peremptory order requiring the special commissioner to execute forthwith the decree of sale by selling such property at public auction after such advertisement, as the court shall direct, so far as it relates to the sale of such lot or lots, and the proceeds shall be disposed of as provided by law.

17. The fee of the commissioner of the revenue for transferring any lot or lots conveyed in the same deed under this act shall be fifty cents.

18. This act shall not apply to delinquent taxes and levies for the collection of which proceedings are pending in any of the courts of the Commonwealth not provided for by section sixteen of this act.

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CHAP. 53.—An ACT to authorize the school board of the Big Stone Gap School district of the county of Wise to borrow money for the purpose of erecting and furnishing a schoolhouse in the town of Big Stone Gap, and to provide for the payment of the amount which may be borrowed.

Approved February 27, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of the Big Stone Gap school district of the county of Wise may borrow, not exceeding fifteen thousand dollars, for the purpose of erecting and furnishing a schoolhouse in the town of Big Stone Gap.

The said board shall issue its bond or bonds for the money borrowed, payable at such time or times as may be agreed upon, not exceeding twenty years after their date, interest not exceeding the legal rate, and payable annually or semi-annually, as may be agreed upon.

Such bond or bonds shall be signed by the chairman, sealed with the seal of the said board and attested by the clerk of the said board.

From the school levy for said district there shall be paid as it matures the interest on the bonds hereby authorized, and there shall be set aside annually as a sinking fund such a sum as will provide for the payment of the principal when it matures.

Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said board may select.

The said board shall annually report to the board of supervisors of said county the amount of the debt outstanding, and the amount and condition of the sinking fund.

An emergency existing in this, that the said schoolhouse shall be promptly completed, in order that it may be ready for the next session, this act shall be in force from its passage.

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CHAP. 54.—An ACT to amend and re-enact section 3232 of the Code of Virginia in relation to orders of publication and the publication of copies of process and notices.

Approved February 27, 1906.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and thirty-two of the Code of Virginia be amended and re-enacted so as to read as follows:

§3232. Within what time after publication case tried or heard; no other publication required unless ordered by court; when notice, and of what to be given to counsel; provision for personal service of process, etcetera, on non-residents; effect thereof; the return to be made in such case.

When such order shall have been so executed, or when a copy of any process, or of a notice beginning any action, shall have been published as provided by any section of this chapter, if the defendants against whom it is entered, or published, or the unknown parties, shall not appear within fifteen days after the completion of the execution of such order, or the expiration of the four weeks required for the completion of such publication, the case may be tried or heard as to them, and no other publication, or notice, shall be thereafter required in any proceeding in court, or before a commissioner, or for the purpose of taking depositions, unless specially ordered by the court as to such defendants or unknown parties; but if they shall be represented by counsel residing in this State, of record or known to the plaintiff, reasonable notice of any proceeding before a commissioner, or of the taking of depositions, shall be given to such counsel, or any of them, if there be more than one. Personal service of the summons, scire facias, or notice, may be made by any person not a party to or otherwise interested in the subject matter in controversy, on a non-resident defendant out of this State, which service shall have the same effect, and no other as an order of publication duly executed, or the publication of a copy of process or of notice under this chapter, as the case may be. In such case the return must be made under oath, and must show the time and place of such service, and that the defendant so served is a non-resident of this State. Upon any trial or hearing under this section such judgment, decree or order shall be entered as may appear just.

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CHAP. 55.—An ACT to amend and re-enact section 4 of an act approved March 4, 1898, amending and re-enacting sections 3 and 4 of an act entitled an act to provide for a bureau of labor and industrial statistics, and defining the duties of said bureau, approved March 3, 1898.

Approved February 27, 1906.

1. Be it enacted by the general assembly of Virginia, That sections three and four of an act entitled an act to provide for a bureau of labor and in-

dustrial statistics, and for defining the duties of said bureau, approved March third, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§3. The governor shall appoint, by and with the consent of the senate, some suitable person who is identified with the labor interests of the State, who shall be designated commissioner of labor statistics, and who shall, upon the request of the governor, furnish such information as he may require. The term of office for said commissioner shall be two years from date of his appointment, with power of removal by the governor for cause.

§4. The commissioner shall have power to take and preserve testimony, examine witnesses under oath and administer the same; and when he is of the opinion from said testimony that the laws of the State relating to labor have been violated or evaded, he shall make a thorough investigation as to such violation or evasion, and to that end may, under proper restrictions, enter any public institution of this State, and any factory, store, workshop or mine, and interrogate any such person, firm or the proper officer of a corporation, or file a written or printed list of interrogatories, and require full and complete answers to be made thereto and returned under oath within thirty days of receipt of said list of questions, and if any person who may be sworn to give testimony shall wilfully fail or refuse to answer any legal and proper question propounded to him concerning the subject of such examination, as indicated in the second section of this act, or if any person to whom a written or printed list of such interrogations has been furnished by said commissioner shall neglect or refuse to fully answer and return the same under oath, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction shall be fined a sum not exceeding one hundred dollars nor less than twenty-five dollars, or by imprisonment in the county jail not exceeding ninety days, or by both fine and imprisonment: provided, however, that nothing in this act shall be construed as permitting the commissioner or any employee of this bureau to make use of any information or statistics gathered from any person, company or corporation for any other than the purposes of this act.

If the commissioner shall find, upon such investigation, that the laws of this State relating to labor have been violated or evaded, he shall notify the person, firm or proper officer of the corporation of such violation or evasion, in writing, and unless the laws are fully complied with, within a reasonable time, not to exceed thirty days, then, and in that event, the commissioner shall make a report of such violation or evasion to the circuit or corporation court, and the attorney for the Commonwealth of the county or city wherein such violation or evasion of the law may occur.

CHAP. 56.—An ACT to provide for and to validate court proceedings in certain cases concerning roads.

Approved February 27, 1906.

1. Be it enacted by the general assembly of Virginia, That in any case in which a proceeding to establish a public road, or to discontinue a public road, or a gate across a public road, was pending in any court of original or appellate jurisdiction, on the thirteenth day of June, nineteen hundred and four, and is yet pending, the same may be proceeded with to the final determination of all questions involved, as might have been done if chapter forty-three of the Code of Virginia had not been repealed by chapter one hundred and six of the acts of nineteen hundred and four.

2. The court, other than the supreme court of appeals, in which any such proceeding is or may be pending may appoint viewers to examine and report upon the conveniences and inconveniences of the proposed route, and of other routes, the quantity and value of the land required, the damages which will be incurred, and any and all matters upon which the court may deem a report desirable, and may, from time to time, appoint other viewers, either before acting upon or after rejecting a report previously made, and may hear such legal evidence as may be offered for or against any application or report.

The court shall take such action on reports heretofore made as it can take on reports hereafter made, and all action taken by any court since June thirteenth, nineteen hundred and four, in road matters, in cases which were pending on that date, are hereby declared valid, subject to the right of appeal, or the right to move to correct errors, or to apply for a new trial where such right has not been lost by the lapse of time.

3. This act shall apply to all proceedings begun under any special road law which provided for proceedings according to chapter fifty-three of the Code, or any section thereof.

4. To prevent the dismissal of pending proceedings, an emergency exists, and this act shall be in force from its passage.

CHAP. 57.—An ACT to amend and re-enact section 7 of article 4 of an act entitled "an act incorporating the town of Barton Heights, in Henrico county," approved January 30, 1896, as amended by act approved January 25, 1898.

Approved February 27, 1906.

1. Be it enacted by the general assembly of Virginia, That section seven of article four of an act entitled "an act incorporating the town of Barton Heights, in Henrico county," approved January thirty, eighteen hundred and ninety-six, as amended by act approved January twenty-fifth, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

Article 4, §7. That it shall be lawful for the council of said town to borrow a sum of money yearly sufficient to defray the current expenses of said town: provided, this sum does not exceed seventy-five per centum of



the total tax, and that no loan of this character shall be obtained until the similar one of the preceding year has been liquidated, or its liquidation made simultaneously with new loan. It shall be further lawful for the said council to borrow money and issue bonds to an amount which, including existing indebtedness, shall not exceed eighteen per centum of the assessed valuation of the real estate in said town, subject to taxation, to be expended by said council in the exercise of the powers conferred upon them in this charter: provided, however, that the bonds issued for such money shall not be made payable within less than thirty years from their date; and that it shall be the duty of the council to provide a sinking fund sufficient to pay off said bonds at their maturity: provided, further, that the said council shall not issue any bonds until the expediency of said issue is submitted to a vote of the voters of said town at an election held for that purpose, as provided by section ten hundred and thirty-eight of Pollard's Code of Virginia.

The town of Barton Heights having borrowed the full amount allowed by its charter, and being in need of more money for the immediate completion of its water and sewer system, an emergency is declared to exist; and, therefore, this act shall be in force from its passage.

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CHAP. 58.—An ACT to authorize the court in which he is tried to sentence certain prisoners to hard labor on the public roads instead of confinement in the penitentiary for the commission of felony.

Approved February 27, 1906.

1. Be it enacted by the general assembly of Virginia, That section four thousand and forty-six a of the Code of Virginia shall be as follows:

§4046 a. Upon conviction of any felony, when the punishment is fixed, either by the judge or jury, at confinement in the penitentiary for a term not to exceed two years, it shall be lawful for the court, in its discretion, instead of sentencing the prisoner to confinement in the penitentiary, and in lieu thereof, to sentence him to hard labor on the public roads for a period of time equal to the term of confinement in the penitentiary so fixed; and that he be delivered into the custody of the superintendent of the penitentiary, to be kept by him as a member of the State convict road force in accordance with law.

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CHAP. 59.—An ACT to permit persons charged with crime and unable to furnish a bail bond or not let to bail, with the consent of the Commonwealth's attorney, to work in chain gangs or in the State convict road force, and allowing such persons credit therefor on any sentence thereafter imposed for such crime of which he is charged; and in case of acquittal, allowing him pay for his labor.

Approved February 27, 1906.

1. Be it enacted by the general assembly of Virginia, That a person charged with crime who is refused bail or is unable to furnish a bail bond with satisfactory sureties according to law may, instead of being com-

mitted to jail, elect to labor in a chain-gang, or in the State convict road force; and in such case the court or justice committing him, or the sheriff or sergeant of the jail to which he has been committed, if such election is made known after commitment, shall deliver such person to the proper officer of a chain-gang designated by the attorney for the Commonwealth of the county or city in the jail of which such person would be or is confined, or to the guard of the penitentiary when such prisoner is to be held to labor in the State convict road force: provided, that before any such person is delivered to a chain-gang or the State convict road force the attorney of the Commonwealth for the county or city in which such person is held charged with crime shall signify, in writing, his consent thereto, which writing shall be lodged with the clerk of his court, and such attorney for the Commonwealth shall not signify his consent unless he is satisfied that such person would be acceptable to the superintendent of the penitentiary as a member of the State convict road force, or is acceptable to the superintendent or other chief officer of a chain-gang. Such attorney for the Commonwealth shall designate the chain-gang or State convict road force to which such person is to be delivered. The superintendent of the penitentiary, if he is in the State convict road force, and the superintendent or other chief officer of the chain-gang, if he is in a chain-gang, shall cause such person to be delivered to the court having jurisdiction of his trial in due time for his trial. If a member of the State convict road force, the guarding and traveling expenses of said person to and from the point at which he is held to labor shall be done and paid for as is now provided by law for the guarding and transportation of prisoners from jails to the penitentiary. If at his trial such prisoner is convicted and sentenced to imprisonment in jail or the penitentiary, or sentenced to the roads, he shall be credited on his term by the number of days he has labored in a chain-gang or the State convict road force. If fined, he shall be credited on the amount of his fine and costs with fifty cents for each day he labored in a chain-gang or in the State convict road force; and if acquitted, he shall be paid fifty cents for each day he labored in a chain-gang or in the State convict road force, to be paid by the county or city having the benefit of his labor if in a chain-gang, and to be paid by the State if he labored in the State convict road force, to be collected as fees due Commonwealth's witnesses in criminal cases are collected.

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**CHAP. 60.—AN ACT** conferring upon the common council of the city of Winchester power to elect a police justice for said city, and defining his duties and jurisdiction.

Approved February 27, 1906.

1. Be it enacted by the general assembly of Virginia, That the common council of the city of Winchester be, and hereby is, delegated the authority and power to elect a police justice, who shall hold his office for the term of one year, and until his successor shall be elected and qualified, unless sooner removed from office.

2. The police justice shall hold court every week day, when necessary, in such places as the city council may provide and appoint. The jurisdiction of

the court shall extend to all cases arising within the jurisdictional limits of the city of which a justice of the peace may take cognizance under the laws of the State, and to all cases arising under the ordinances of the city or the charter, or where there is a claim against the city or a person therein, if it does not exceed one hundred dollars, exclusive of interest; and the judgment shall be final in all civil cases where the matter in controversy, exclusive of costs, is not more than twenty dollars. He shall have such other powers and jurisdiction as may be conferred upon him by the city council not in conflict with the Constitution and laws of the United States and of the State of Virginia.

3. All acts and parts of acts in conflict with this act are hereby repealed.

4. An emergency existing, which makes immediate action on the part of the said city council necessary, this act shall be in force from its passage.

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CHAP. 61.—An ACT to amend and re-enact an act entitled "an act to provide places of abode and for the safe custody and proper guardianship of children who are vicious, or depraved, or without proper places of abode, or proper guardianship or control, or who shall be ill-treated, neglected, or deserted by parents, guardian, or other custodian, or who shall be exposed to immoral or vicious influences and training." Approved April 2, 1902.

Approved February 28, 1906.

1. Be it enacted by the general assembly of Virginia, That the act entitled "an act to provide places of abode and for the safe custody and proper guardianship of children who are vicious, or depraved, or without proper places of abode or proper guardianship or control, or who shall be ill-treated, neglected or deserted by parents, guardian or other custodian, or who shall be exposed to immoral or vicious influences and training," approved April second, nineteen hundred and two, be amended and re-enacted so as to read as follows: that if a minor, under the age of fourteen years, is destitute or without any proper place of abode or proper guardianship, or is deserted, neglected or ill-treated by its parent, guardian or other custodian, or is exposed to immoral or vicious influences and training, or if the parent or guardian or other custodian is, by reason of poverty, a charge, or likely to become a charge, upon the county, town or city unable to support or properly care for such minor, and it shall clearly appear that such minor is vicious and depraved, or is destitute, or is neglected, deserted, or ill-treated by his or her parent, guardian or other custodian, or is exposed to immoral or vicious influences and training by the neglect, bad habits or vicious conduct of his or her parent, guardian or other custodian, or that the parent, guardian or other custodian of such minor is unable or unwilling to exercise proper control over such minor, or that, by reason of poverty, is a charge upon the county, town or city, and unable to support and properly care for such minor, or in any case where it appears that any minor is likely to become a burden or charge upon the public, and that the welfare of such minor in all such cases, as well as the peace and good order of society, requires such commitment, any court of record in this State or the judge thereof in vacation, or any

police justice, may, on the application of any reputable citizen of the city or town or county wherein such minor may reside or be found, or, on application of any society or association chartered under the laws of this State for benevolent or charitable purposes, or for the care, custody, and maintenance of, and the prevention of cruelty to, children, commit such minor to the care and custody of any society or association incorporated under the laws of this State for charitable or benevolent purposes, or for the care, custody, and maintenance of, and the prevention of cruelty to, children, to be kept until such minor, in the case of females, shall arrive at the age of eighteen years, and, in the case of males, shall arrive at the age of twenty-one years, unless sooner discharged by such society or association, or by due process of law; and such court, or the judge thereof in vacation, or such police justice, may require such minor to be brought before it upon a warrant, or may commit without previous warrant, if such minor can be brought before the said court or judge or police justice, or is present without it, or is of such tender age, or the circumstances are such that otherwise warrant should be dispensed with: provided, that it shall be lawful for the parent, guardian or custodian of the minor so committed, upon reasonable notice to such society or association, to petition the circuit or corporation court, or the judge thereof in vacation, for the discharge of such minor, and a hearing upon said petition, answer, and evidence adduced, said court, or judge thereof in vacation, may order said society or association to discharge said minor at any time when, in the judgment of said court, such discharge shall be to the best interest of such minor.

2. That the said court and the judges thereof and said police justice, and all officers performing any act or executing any process under this act, are vested with all the incidental powers necessary to the effectual execution of the powers herein enumerated; that any minor held in any custody, under a commitment or otherwise, for care and guardianship under the provisions of this act shall be held to be in private custody within the meaning of this act. Proceedings in such cases shall not be classed as criminal, and the laws limiting or defining the jurisdiction or procedure in criminal cases shall have no application to the cases herein mentioned.

3. That all warrants and commitments under this act shall, as the case may be, either be upon the order of such court, or the judge thereof in vacation, and shall issue from the clerk's office of such court, under the hand of the clerk thereof, or shall be upon the order of and issued under the hands of the police justice, and shall be executed by any officer authorized to execute process under the laws of this State, and shall be in substance of the form following:

*Warrant.*

State of Virginia (city or county), to-wit:

To the sheriff, sergeant or any constable of the said city or county:

Whereas complaint has been made before the....court of..... city or county, or before the judge of...court of..... city or county, or

before the police justice of....., city or county, that.....is a minor (insert the grounds upon which the application for the warrant is based), you are, therefore, commanded forthwith to apprehend said.....and bring (him or her) before the said court or before the judge of the said court, or before said police justice, at...hour (A. M. or P. M.), on the...day of....., 190..., to be dealt with according to law, and have you there this warrant.

Given under my hand this....day of....., 19....

.....  
Clerk or police justice.

### *Commitment.*

State of Virginia (city or county), to-wit:

Whereas, on complaint and due proof, it has been adjudged by the .....court of the said city or county of....., or the judge of the..... court of city or county of....., or the police justice of....., city or county, that.....is (insert the reasons for the commitment), and the welfare of such minor, as well as the peace and good order of society, requires (his or her) commitment to some institution for care and guardianship, and that (he or she) stand committed to....., you are, therefore, empowered and directed to receive said....., to be kept and detained in your care and custody until discharged by due course of law.

Given under my hand this....day of....., 19....

.....  
Clerk or police justice.

4. All bodies incorporated, or to be incorporated, under the general laws for purposes of the care, custody, guardianship, and protection of minors generally, and all charitable and benevolent societies or associations to whom such minors may be committed under this act, shall have the power and authority following:

First. To retain children legally committed or confined to them until the age of eighteen in females and twenty-one in males, except as hereinbefore provided.

Second. To place out such children in suitable homes upon such terms as the managers, directors or trustees deem beneficial to the children, or to place them out as apprentices to any trade or occupation which the managers, directors or trustees may deem proper for their betterment, subject to the control and supervision of such managers, directors, and trustees, the custody of such minors not to be absolutely relinquished in any case, except as hereinbefore provided, and a record to be kept of the time of placing out, the name and residence of persons with whom placed, and the terms and conditions of placing out; and it shall be the duty of the said managers, directors or trustees to cause every child so placed out to be visited not less than once in every three months, in order to inquire into its welfare, and such managers, directors, and trustees may require

of the person with whom such minor may be placed out a suitable bond, with satisfactory security, for the faithful performance of the conditions and agreements upon which such minor may be placed out.

Third. To exercise parental authority and control over such children, and to make all needful provisions as to care, maintenance, and education of the same.

Fourth. To procure and commit such children in cases of necessity to reformatory institutions. The foregoing provisions are not to be understood to affect the powers of the courts to adjudicate all questions as to the custody of minors, irrespective of any alleged or supposed claim or right of guardianship or custody, or to abridge or affect any corporate rights of any institution, or to prevent the receiving of minors, under such limitations, or for such definite periods as any institution may, by their regulations, direct or prescribe.

5. Every agent, officer or representative of any institution, society or association, or body corporate, under the laws of this State, for the care, custody or protection of children or minors having in possession, custody or personal charge any minor or person under the age of twenty-one years for any purpose connected with the object of such institution, society, association or body shall be entitled to all privileges and authorities of a conservator of the peace; and any person, whether under claim or color of authority over the person of such minor, as parent, guardian, or otherwise, or under any other claim, or pretense of claim, who shall in any manner interfere with or obstruct such agent, officer or representative in relation to the possession, custody or personal charge of such minor shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding fifty dollars and by confinement in jail not exceeding three months; and it shall be the duty of all officers of police, policemen, constables, officers, and officials of every description having authority to make arrests to enforce this section in every particular.

6. This act shall be in force on and after ninety days after the adjournment of this session of the general assembly.

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CHAP. 62.—An ACT to amend, revive, and re-enact section 1295 of the Code of Virginia, edition of 1887, in relation to the liability of common carriers for loss or injury to goods.

Approved February 28, 1906.

1. Be it enacted by the general assembly of Virginia, That section twelve hundred and ninety-five of the Code of Virginia, edition of eighteen hundred and eighty-seven, be revived, amended, and re-enacted so as to read as follows:

§1295. Liability of carrier for loss or injury to goods.—When a common carrier, which selects the carrier or carriers in the line or route to destination beyond its own lines, accepts for transportation anything directed to a point of destination beyond the terminus of his own line or route, he shall be deemed thereby to assume an obligation for its safe carriage to such point of destination, unless loss or damage to such thing shall

occur on a water line or route in the connecting line from some cause which now exempts a water carrier from liability, unless, at the time of such acceptance, such carrier be released or exempted from such liability by contract, in writing, signed by the owner or his agent, in which contract, in writing, shall be distinctly set forth the place on his own line at which a delivery is to be made to a connecting carrier, the true and full names, in their order, of the carrier or carriers to which the initial carrier proposes to deliver or cause to be delivered said goods for transportation, the names of the places at which each carrier is to receive and deliver said goods, together with the amount of freight to be received by each carrier over which said goods are to be transported; and, although there be such contract, in writing, if such thing be lost or injured, such common carrier shall himself be liable therefor, unless, within a reasonable time after demand made, he shall give satisfactory proof to the consignor that the loss or injury did not occur while the thing was in his charge.

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CHAP. 63.—An ACT appropriating the sum of \$31,000.00 for paying for furniture, floor coverings, and light fixtures purchased by the capitol enlargement committee; to pay one member of the executive committee for services, and to complete the payments on the light and power plant.

Approved February 28, 1906.

Whereas in the act of assembly providing for the enlargement of the capitol no provision was made for the furnishings thereof, and it was deemed necessary by the enlargement committee to furnish the two assembly halls and the committee rooms, and said committee did make such purchases, aggregating nearly twenty-six thousand dollars, and now recommends that the State appropriate sufficient money to pay therefor; and

Whereas the appropriation of twenty-five thousand dollars made for the purpose of constructing the light and power plant was found to be wholly inadequate, and that the work could not be done for that sum; and the committee deeming it necessary that the plant be built, contracted therefor at a total cost of over thirty-three thousand dollars, so that, after applying to the payment thereof the balance of five thousand dollars left of the capitol appropriation unexpended, there still remains a deficit, which, with a few small items, amounts to about four thousand dollars; and

Whereas it is deemed proper that the two members of the executive committee, of said enlargement committee, upon whom devolved the supervision and detailed work of construction and purchase, should be compensated for the great amount of time and labor given by them to the work: therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of thirty-one thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated for making up the deficit herein above referred to; for paying one member of the said executive committee, namely, S. L. Kelley, the sum of three hundred dollars, and for paying the following

named persons, firms, and corporations the sums set opposite their respective names for furniture, carpets, light fixtures, and so forth, bought by the capitol enlargement committee:

The Sterling bronze company, New York, five thousand five hundred and twenty dollars.

The Electric construction company of Virginia, three thousand nine hundred and ninety-three dollars and forty cents.

The Wollaeger manufacturing company, Milwaukee, thirteen thousand five hundred and sixty dollars.

Miller and Miller, of Richmond, two hundred and eighty dollars.

W. B. Miller, Washington, two thousand five hundred and nine dollars and twenty-four cents.

Provided, however, that no part of the sum hereby appropriated shall be paid cut for any of the bills hereinabove enumerated, except the appropriation to the members of the executive committee, till such bill has been audited and approved by the governor of Virginia and the said executive committee.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 64.—An ACT to authorize the mayor and council of the city of Williamsburg, in the county of James City, Virginia, to issue bonds and borrow money for the purpose of establishing a system of water works and fire department, a jail, general lighting system, and street improvements for said city.

Approved March 1, 1906.

1. Be it enacted by the general assembly of Virginia, That the mayor and the council of the city of Williamsburg be, and they are hereby, authorized and empowered to issue bonds of the said city and to borrow money, not to exceed in the aggregate the sum of thirty thousand dollars, as hereinafter provided, or as much thereof, as added to its present indebtedness, shall not exceed the constitutional limitation of eighteen per centum upon municipal indebtedness; the proceeds from the sale of said bonds, or so much thereof as may be necessary, to be expended in the establishment of a system of water works for fire extinguishing purposes and for domestic use, and for the equipment of a fire department for said city, erecting a jail, general lighting system, and street improvements, or such of the above purposes as may be prescribed by the said council, and to meet all expenses connected therewith as may be determined upon by the said council.

2. The said bonds shall be registered or coupon bonds, and shall be issued in denominations of five hundred dollars, and shall bear interest at a rate not to exceed six per centum per annum. The interest on said bonds shall be paid semi-annually, and shall be payable at the office of the treasurer of the county of James City and the city of Williamsburg, or at such bank or banking house in said city as may be selected and designated by the said council. The principal of said bonds shall be payable in thirty years from date of issue. The said bonds shall be signed by the



mayor and countersigned by the clerk of the council, and shall be sold and negotiated in such manner as may be prescribed by the said mayor and council: provided, that the said bonds shall not be sold or negotiated for less than their par value.

3. The council of the said city shall have full and unlimited control of the expenditure of the funds derived from the sale of said bonds: provided, that said bonds shall not be issued or negotiated until the question has been submitted to a vote of the people of said city by an election ordered by the circuit court for the city of Williamsburg and the county of James City, or the judge thereof in vacation, who shall appoint three judges (freeholders) to hold said election, the same to constitute the board of commissioners, from whose report it shall appear that a majority of the qualified voters of the said city voting upon the question are in favor of issuing said bonds, and that said majority include a majority of the freeholders of said city voting at said election. The vote shall be taken by ballot, on which shall be printed the words "for bond issue" and "against bond issue." There shall be provided separate boxes, the one for freeholders' ballots and the other for non-freeholders' ballots, as the case may be. Notice of the time, place, and object of said election shall be given by publication for at least once a week for four consecutive weeks in the "Virginia Gazette," a newspaper published in the city of Williamsburg, said notice to be ordered by the circuit court for the city of Williamsburg and the county of James City, or the judge thereof in vacation. The expenses of said election shall be paid out of the treasury of said city.

4. The result of said election, as reported by the commissioners referred to in section three of this act, shall be admitted to record in the circuit court for the city of Williamsburg and county of James City, and it shall be the duty of the judge of the said court to cause to be made and transmitted to the mayor and council of said city a certified copy of the report of the board of commissioners, which report shall be recorded upon the minutes of the said council, and shall constitute a basis for the issuance of the said bonds of the said city. It shall be the duty of the judge of the said court to order an election as provided for herein, upon a resolution adopted by a two-thirds vote of the members elected to the council of said city, and properly certified by the clerk of the said council.

5. The council of the said city shall, at each annual levy, lay aside for the thirty years that the bonds have to run a sufficient amount to cover the interest on the said bonds, and such further sum as may be determined upon each year to be placed to the credit of the sinking fund, to be created for the redemption of the said bonds, said sinking fund to be invested in said bonds, or in some safe interest bearing securities, before any portion of the revenue of the said city is appropriated to any other purposes: and at the maturity of said bonds, upon the expiration of the said thirty years, the council of the said city shall make lawful provision for their payment.

6. No corporation tax shall be levied or assessed upon said bonds by the city of Williamsburg.

7. All acts and parts of acts inconsistent with this act are hereby repealed.

8. In view of the fact that it is desirable that the bonds herein provided for shall be issued with as much dispatch as possible, an emergency having arisen, this act is declared to be an emergency act, and shall be in force from its passage.

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CHAP. 65.—An ACT to authorize the board of supervisors of Prince George county to lease a portion of the county land in Templeton district.

Approved March 1, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Prince George county be, and they are hereby, authorized to lease a portion of the county land on which the election house or voting place of Templeton district, said county, now stands upon such conditions and restrictions as said board may deem proper.

§2. Owing to the fact that opportunities to lease the land will be lost by delay, therefore an emergency exist, and this act shall be in force from its passage.

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CHAP. 66.—An ACT to appropriate the sum of \$9,711.29 to pay for furniture, floor coverings, etc., purchased by governors Montague and Swanson, the corporation commission and the secretary of the Commonwealth for their respective departments.

Approved March 1, 1906.

1. Be it enacted by the general assembly of Virginia, That the sum of nine thousand seven hundred and eleven dollars and twenty-nine cents, or so much thereof as may be needed, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated for the purpose of paying for furniture, floor coverings, and other things purchased by Governors Montague and Swanson, the corporation commission, and the secretary of the Commonwealth for their respective departments, as follows:

Executive offices, five thousand two hundred and four dollars and twenty cents.

Corporation commission, four thousand one hundred and ninety-seven dollars and nine cents.

Secretary of the Commonwealth, three hundred and ten dollars.

Provided, however, that no part of the sum hereby appropriated shall be paid out until such such bill has been audited and approved by the head of the respective department that purchased the same.

2. An emergency existing, this act shall be in force from its passage.

**CHAP. 67.—An ACT to incorporate the town of Appalachia, in the county of Wise.**

Approved March 1, 1906.

1. Be it enacted by the general assembly of Virginia, That the community of Appalachia, in the county of Wise, be, and the same is hereby, made an incorporated community by the name of Appalachia, and by that name shall have and exercise all of the rights, powers, and privileges, and be subject to the duties, liabilities, and restrictions imposed by law for the government of towns of less than five thousand inhabitants.

2. The boundaries of said town shall be as follows: Beginning at a chestnut and spruce pine and beech on a spur of Stone mountain, corner to Virginia coal and iron company and inter-State coal and iron company; thence north twelve degrees and forty-five minutes west, two thousand five hundred and sixty feet to a black oak and small white oak on a line between the inter-State coal and iron company and keystone coal and iron company; thence with said line, continuing the same course north twelve degrees and forty-five minutes west, four hundred and two feet to a small chestnut, north thirteen degrees and fifteen minutes east, two hundred and ninety-two feet to a small spotted oak, north eleven degrees and forty-five minutes west, three hundred and four feet to two spotted oaks; north one degree and forty-five minutes west, three hundred and three feet to a stake and chestnut pointer; north eleven degrees and forty-five minutes west, one hundred and eighty-seven feet to a spotted oak; north two degrees and forty-five minutes east, two hundred and ninety feet to a stake and small chestnut pointer; north nine degrees, forty-five minutes west, three hundred and forty-five feet to a beech stump on top of Isom rock ridge, a corner to the keystone coal and iron company and the inter-State coal and iron company's lands; north fifty-seven degrees and fifteen minutes east, two thousand one hundred feet, crossing Callahan creek and the inter-state railroad, to a stake a corner to the Martin Kilbourn fifty-acre patent; south seventy-two degrees and fifteen minutes east, twelve hundred feet to a stake a corner to the Johnson Wells survey; thence with a line thereof south eighty-six degrees and thirty minutes east, eighteen hundred and thirty feet, to a stake in the Hagan line; south twenty-four degrees and thirty minutes east, eighteen hundred feet, to a stake on the south bank of Powell's river at the upper end of an island; south forty-five degrees west, one thousand and fifty feet, to a stake, beech, and two dogwoods, pointers, a corner to the Martin Kilbourn twenty-five acre patent; south fifty-three degrees and fifteen minutes west, eight hundred and sixty feet, to two pines and a white oak, a corner to the Rosie Bloundell tract; thence with lines thereof south eight degrees and thirty minutes west, two hundred and sixty feet, to a pine stump; south sixty-four degrees and fifteen minutes west, one hundred and twenty-four feet, to a stake; south eighty-four degrees west, three hundred and thirty-two feet, to a stake; south sixty-four degrees west, three hundred and fifty-two feet, to a stake; south seventy-six degrees and thirty minutes west, six hundred and thirty-four feet, to a white oak and dog-

wood; thence leaving said Bloundell's line south forty-six degrees and forty-five minutes west, two thousand six hundred and forty feet, to the beginning.

3. That the officers of said town shall be mayor, a council, consisting of six members, a sergeant, a treasurer, and a recorder. All officers of the town shall be elected or appointed in the manner prescribed by law, and in the absence of any provision of law on the subject, they shall be elected in the manner prescribed by ordinance of the council.

4. That the following named persons be, and they are hereby, appointed officers of the said town, to hold their respective offices until their successors are duly elected and qualified, namely: A. F. Pruner, mayor; J. W. Guntner, F. W. Blondell, G. B. Head, G. W. Brown, W. F. Lee, and G. C. Jeffers, councilmen; A. L. Sturm, treasurer; Stuart Stover, recorder; M. D. Collier, commissioner of the revenue; the sergeant of the said town to be elected by the town council.

5. And it appearing that in order that said town may have assessed and collected taxes on the property, real and personal, in said town required to be assessed as of February one, nineteen hundred and six, an emergency doth exist, and this act shall be in force from its passage.

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CHAP. 68.—An ACT to authorize the issuance of one hundred thousand dollars (\$100,000.00) of bonds by the city of Newport News for permanent street improvements, and to provide what amount shall be expended in each ward.

Approved March 1, 1906.

1. Be it enacted by the general assembly of Virginia, That in addition to the present indebtedness of the city of Newport News, and the certificates of debt or bonds, which the council of the said city is otherwise authorized by law to issue: provided, said issue does not exceed the constitutional limit, the council of the said city may, by a three-fourth vote of each branch, in the name and for the use of the said city, cause to be issued certificates of debt or bonds (the form of which shall be prescribed by the council) to the amount of one hundred thousand dollars (\$100,000.00), bearing a rate of interest not exceeding six per centum per annum, and payable, in the discretion of the council, not less than thirty nor more than forty years from their date: provided, however, that the said sum of money arising from the sale of said bonds shall be expended in permanent street improvements, and be apportioned between the four wards of the said city, so that not more than twenty-seven thousand and five hundred dollars (\$27,500) nor less than twenty-two thousand and five hundred dollars (\$22,500) shall be expended in such improvements in any ward of the city; and a sinking fund shall be created and maintained sufficient to redeem said bonds at maturity, and shall be applied to such redemption, and to no other purpose.

2. But such certificates of debts or bonds shall not be issued or be valid unless and until the question of issuing the same shall have been first submitted to the legal voters of the said city for their approval at an election to be ordered and provided for by the council, and three-fifths

of said qualified voters voting at said election, who shall then own any freehold estate in said city; and a majority of said legal voters voting at said election, who shall then not own any freehold estate in said city, shall have voted in favor of the issue of said certificates of debts or bonds. At said election only those who are legal voters of the said city under the laws of Virginia shall have the right to vote. The words "freehold estate," as used in this section, shall be construed to embrace only a full ownership in fee simple at law, or in equity, or an estate of life. The council shall cause to be prepared, at least sixty days prior to any election hereunder, a list of the legal voters in said city owning such freehold estate, and shall cause the same to be published in a newspaper published in the said city for at least four weeks prior to any such election. The council shall, at least ten days before any such election, convene in session, and at such session revise and correct such list, if there be errors therein. Such list, when so revised and corrected, shall be conclusive on any question as to who constitute the legal vote in said city owning a freehold estate and entitled to vote at such election.

3. The said election shall not be held until notice of the time, place, and objects thereof shall have been first given by publication for at least thirty days in a daily newspaper published in the said city.

4. And the said council shall not create or incur any other indebtedness which has not been provided for in the annual levy of the said city, or by some other act of the general assembly of Virginia.

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CHAP. 69.—AN ACT to amend section 2536 of the Code of Virginia relating to the probate of copy of wills, proved without the State; to what extent admitted to probate, and validating the orders of the clerk of any court admitting such wills to probate.

Approved March 1, 1906.

1. Be it enacted by the general assembly of Virginia, That section two thousand five hundred and thirty-six of the Code of Virginia, relating to the probate of copy of will proved without the State; to what extent admitted to probate, be amended and re-enacted so as to read as follows:

§2536. Probate of copy of will proved without the State; to what extent admitted to probate.—Where a will relative to an estate within this State has been proved without the same, an authenticated copy thereof, and the certificate of probate thereof may be offered for probate in this State. When such copy is so offered, the court or the clerk thereof to which it is offered shall presume, in the absence of evidence to the contrary, that the will was duly executed and admitted to probate as a will of personalty in the State or country of the testator's domicile, and shall admit such copy to probate as a will of personalty in this State. And if it appear from such copy that the will was proved in the foreign court of probate to have been so executed as to be a valid will of lands in this State by the law thereof, such copy may be admitted to probate as a will of real estate. That the admission to probate of any such copy of a will since the fifteenth day of May, nineteen hundred and three, by the clerk of any court in this State authorized to admit any such copy of a will

to probate is hereby validated, and the probate of any such copy of a will before any such clerk since said date shall have the same legal operation and effect as if such copy had been admitted to probate by said court.

2. That because of the necessity that clerks of the courts of the Commonwealth should have the power to admit copies of wills to probate, as provided in the preceding section, and because of the fact under misapprehension of the law, many copies have been admitted to probate, the acts of the clerks in such cases should be promptly validated, an emergency exists for the prompt passage of this act, and therefore it shall take effect from and after its passage.

CHAP. 70.—AN ACT for the protection of fish in the Nottoway river, in Southampton, Sussex, Dinwiddie, Brunswick, and Greenville counties, Virginia.

Approved March 1, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall not be lawful to take, kill or capture fish in the waters of Nottoway river and its tributaries in Southampton, Sussex, and Greenville counties, and also in Dinwiddie and Brunswick counties far up as Slagle's mill dam, except private ponds, by means of seines, fykes, traps, fish slides, or in any other manner except by angling with a hook and line.

2. This act shall not apply to the capture of minnows by means of a minnow net, when minnows are to be used as a bait, nor to the hauling of shad seines, or the use of shad dip nets, in the waters of the Nottoway river and its tributaries in the counties of Southampton, Sussex, and Greenville during the months of February, March, April, and May, and in the waters of the said Nottoway river and its tributaries in the counties of Dinwiddie and Brunswick as far as Slagle's mill dam during the months of February, March, April, May, June, and July.

3. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

4. This act shall be in force ninety days after the adjournment of the general assembly.

CHAP. 71.—AN ACT to amend and re-enact section 175 of the Code of Virginia, as heretofore amended, in relation to where the fact of oaths having been taken are recorded.

Approved March 3, 1906.

1. Be it enacted by the general assembly of Virginia, That section 175 of the Code of Virginia, as heretofore amended, be amended and re-enacted so as to read as follows:

§175. Where the fact of oaths having been taken is recorded.—When a person elected or appointed to any office or posts takes the oaths required of him in a court of record, a transcript from the record of the court, stating the fact of their having been taken, and when he takes such oaths

before a judge, or other person, a certificate of the person administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same, and be by him delivered for record as follows—that is to say: When the oaths are taken by the governor, lieutenant-governor, attorney-general, secretary of the Commonwealth, State treasurer, superintendent of public instruction, commission of agriculture and immigration, State assayer and chemist, members of the State corporation commission, librarian and commission of the State hospitals for the insane, either of the officers mentioned in sections two hundred and twenty-three, two hundred and thirty-two, two hundred and thirty-three, or forty-one hundred and sixty, or a commissioner appointed by the governor, the record shall be on the journal of the executive. When taken by any of the clerks mentioned in the fourth, fifth, and sixth subdivisions of section one hundred and eighty-three, it shall be in the office of that officer by whom the clerk may have been appointed. When taken by a judge, the record shall be in the first court in which he sits. When taken by any officer appointed by or belonging to a court, it shall be in the said court or in such other as prescribed by law. In the case of a member or officer of either house of the general assembly, the record shall be on the journal of the house, or in such other manner as the house may prescribe by its rules.

And in the case of any other officer, unless it be otherwise provided, the record shall be in the court of the county or corporation in which the duties are to be discharged; or, if his duties are not to be discharged wholly in one county or corporation, then in the court of the county or corporation in which such officer resides.

2. And whereas an emergency exists to supply an omission in the present statute, this act shall be in force from its passage.

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CHAP. 72.—An ACT to amend and re-enact sections 3, 4, 6, 9, 10, 11, 13, 14, 17, 21, 24, 25, 26, 28, 29, 31, 32, 33, 36, 39, 40 and 41 of an act of the general assembly of Virginia, approved January 11, 1898, entitled an act to amend and re-enact the charter of the town of Culpeper.

Approved March 3, 1906.

1. Be it enacted by the general assembly of Virginia, That sections three, four, six, nine, ten, eleven, thirteen, fourteen, seventeen, twenty-one, twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty-one, thirty-two, thirty-three, thirty-six, thirty-nine, forty, and forty-one of an act approved January the eleventh, eighteen hundred and ninety-eight, entitled an act to amend and re-enact the charter of the town of Culpeper, be amended and re-enacted so as to read as follows:

§3. The said town and the council thereof shall, in addition to the powers herein and heretofore granted to it, and the duties herein and heretofore imposed upon it, have all the rights and powers granted to towns under chapter forty-four of the Code of Virginia, unless hereby expressly denied to said town.

§4. The municipal authorities of the said town shall consist of a mayor, recorder, treasurer, and six councilmen until September the first, nineteen hundred and six, and shall thereafter consist of a mayor, recorder, treasurer, and eight councilmen, all of whom shall be elected by the qualified voters. All persons duly registered as voters in said town shall be eligible to any of said offices. The recorder shall be the assessor of the said town.

At the next regular election held for said town, as provided by statute, in addition to the mayor, recorder and treasurer, there shall be elected eight councilmen.

At the first meeting of the council next hereafter elected, and consisting of eight councilmen, as above provided, the said council shall divide the members thereof into two classes, each class consisting of four councilmen, one of which classes shall hold office for the term of four years and the other for the term of two years.

It shall be decided by lot which class shall hold for two years and which for four.

And thereafter at each regular election, as provided by section 1021 of the Code of Virginia, four councilmen shall be elected for the term of four years each from the first day of September following their election, and a mayor, recorder, and treasurer shall be elected for a term of two years, from the first day of September following their election.

§6. On or before the first day of June, nineteen hundred and six, the council of said town shall elect a town sergeant, who shall hold office during the pleasure of the council. The town sergeant can at any time be removed from office by a majority vote of the council. Upon the death, removal, or resignation of the town sergeant, the council shall elect a successor, who shall likewise hold office during the pleasure of the council.

The town sergeant shall be the chief police officer of the said town, and shall perform such other duties as the council may direct. He shall have power to exercise within the corporate limits of said town and in the county of Culpeper within one mile of the corporate limits of the said town, all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process, and he shall be entitled to the same compensation therefor, and he and his sureties shall be liable to all fines, penalties, and forfeitures that a constable is legally liable to for any failure or dereliction in his said office, to be recovered in the same manner and before the same courts that said fines, penalties, and forfeitures are now recoverable against a constable.

He shall for his services receive such compensation as the council may fix, not to exceed five hundred dollars.

§9. The council in existence at the time of any election shall judge of the election, qualifications, and returns of the members, newly elected, and should any person returned be adjudged unduly elected or not qualified to hold the office for which he is chosen, a special election to fill the vacancy shall be held.

It shall be the duty of the mayor, as soon as may be after an election, and within thirty days thereafter, to call a meeting of the council to examine the returns; and the council shall forthwith cause the persons elected to be notified of their election; and whenever a vacancy shall occur



from any cause in the office of mayor, treasurer, or recorder, the council for the time being shall at once fill the vacancy for the unexpired term.

§10. The mayor, recorder, treasurer, and councilmen shall each, on or before the first day of the term for which they are elected, make and subscribe an oath or affirmation that they will truly, faithfully, and impartially discharge the duties of their said offices to the best of their abilities, so long as they shall continue therein; the mayor, recorder, and treasurer shall take said oath before a notary public or some other officer authorized to administer oaths, and the councilmen before the mayor or recorder or some other such officer, and said oaths shall be forthwith returned to the recorder, who shall file the same and enter a memorandum of the fact on the town records.

§11. If any one who shall have been duly elected mayor, recorder, treasurer, or councilman, shall refuse or neglect to take the oath or affirmation, or to give the bond required within the time above prescribed, the council for the time being shall declare his said office vacant, and shall forthwith fill such vacancy for the unexpired term.

§13. The council shall be presided over at its meetings by the mayor, or in his absence by one of the councilmen selected by the majority of the council present.

§14. The presence of the mayor and at least four councilmen, or in the absence of the mayor the presence of five councilmen, shall be necessary to make a quorum for the transaction of business.

§17. In all cases of a tie at any meeting of the council, or whenever the vote of the mayor is necessary to give validity to any contract or liability incurred, or to any appropriation of money under the provisions of section forty-one hereof, the mayor, if presiding, shall have the casting vote.

§21. The levy so ordered may be upon all male persons within said town over twenty-one years of age, not exempt from a State poll tax, and on all the real estate within the said town which is not exempt from State taxation, and on all such other subjects as may at the time be assessable with State taxes: provided, that the tax do not exceed one dollar on every one hundred dollars of the value assessed on real and personal property, including that levied to meet the interest on the funded debt of said town and to provide for the final payment of the principal thereof: and provided, further, that before any debt shall be created by the said council for money borrowed, the council, if it shall deem it to be to the interest of the corporation to create such debt, evidenced by a recorded vote of a majority of its members, or if fifty of the qualified voters of the town shall present to the council a petition requesting the same, shall submit to a vote of the qualified voters of the said town, at such time as it may prescribe, not exceeding sixty days after such recorded vote, or after the said petition shall have been presented as aforesaid, the question as to whether said sum of money shall be borrowed. Said election shall be held in the same manner as other elections are held in the said town, except that the council shall prescribe the form of the ballot, both for and against the said loan, and if a majority of the qualified voters voting at such election shall be in favor of borrowing such money, and such majority shall comprise a majority of the freeholders participating in such elec-

tion, the said council shall issue for sale the bonds of the said corporation, which bonds shall in all cases be registered, and shall be issued in such denominations and bear such interest not exceeding six per centum per annum, as may be determined by the said council; said interest to be payable quarterly, semi-annually, or annually, as the council may prescribe. The said council may select a depository for the money arising from the sale or negotiation of the said bonds: provided, they shall require such security therefor as may be approved by the recorded vote of at least two-thirds of all of the members of the council.

§24. The treasurer shall collect all the town taxes, licenses and other revenues, and shall have the power one month after he shall have received the books of the assessor of the said town, to distrain and sell therefor in like manner as a county treasurer may sell and distrain for State taxes, and shall have in all other respects the same powers as a county treasurer to enforce the payment and collection thereof; and he and his securities shall be liable to all fines, penalties and forfeitures that a county treasurer is legally liable to for any failure or dereliction in his said office, to be recovered in the same manner and before the same courts that said fines, penalties and forfeitures are now recoverable against the county treasurer. Said treasurer may appoint one or more deputy treasurers to assist him in the discharge of the duties of his office, and when such appointment is confirmed by the council, such deputy shall have all the powers for the collection of such taxes, licenses and other revenues as is given to the treasurer by this section, and shall be subject to the same penalties, remedies and liabilities: provided, however, that the treasurer and his sureties shall under no circumstances be released from liability for the faithful collection and disbursement of the entire revenues of the town.

§25. There shall be a lien on the real estate within said town for the town taxes assessed thereon, from the commencement of the year from which they are assessed. When any of said taxes are returned delinquent a list of the same shall be returned to the clerk of the county of Culpeper, and be by him entered in a book furnished by the said town, and kept in his said office, the form and manner of entering the same to be similar to that provided by law for the record of delinquent taxes on real estate due the State. In said book there shall also be columns in which shall be entered the names of purchasers, the amount and date of sales of real estate sold for delinquent taxes as provided in this charter. When the taxes so returned delinquent are entered into said record as herein provided, the same shall be held to be constructive notice of the lien thereof, and the said real estate shall be liable thereto as against creditors, and in the hands of purchasers or other persons into whose hands the said real estate may pass. And the said real estate may be sold for taxes as provided in this charter, whether owned by the persons in whose name it was assessed or not. After said real estate has been so sold for taxes the same may be redeemed within such time, and by such persons and upon such terms as is provided by law for the redemption of lands sold for State taxes, except that the moneys paid for such redemption shall be paid to the treasurer of the town of Culpeper. Upon such redemption of said real estate the treasurer shall

issue to the persons so redeeming it a certificate to that effect, which certificate shall be presented to the recorder of the town, who shall charge the treasurer with the amount therein named, and shall countersign the same, and the same when so countersigned shall be presented to the clerk of the county, who shall thereupon mark in the said record the redemption of the said real estate, the name of the party redeeming it, and the date thereof, and shall preserve such certificate in his office. The clerk shall receive for his service a fee of ten cents for each lot of land so entered in said record, a fee of ten cents for the entry of such sale of real estate as is provided in this charter, and a fee of twenty-five cents for each redemption so entered, to be paid by the town of Culpeper and which shall be charged against and be a lien upon said land along with the taxes against the same. At the expiration of the time within which said real estate may be redeemed, if the same has not been redeemed as herein provided, the recorder of the town of Culpeper shall execute to the purchaser thereof a deed conveying the same in like manner as is prescribed by law for the conveyance of real estate by the clerk of the county which has been sold for delinquent taxes to the State, and such deed shall convey such title as would be conveyed had the same been sold for State taxes.

§26. The circuit court of Culpeper on the application of the council may order real estate, delinquent for the non-payment of taxes to be sold by the treasurer at public auction for such taxes at such times as it shall direct; said sale and the advertisement thereof, to be made in conformity, as near as may be, to the State law with reference to the sale of delinquent land. When such sale has been made the same, with the date thereof, the name of the purchaser and the amount for which the said real estate sold shall be entered by the clerk in the record of delinquent real estate provided for in section twenty-five.

§28. The recorder, treasurer, and sergeant, and such other officers and employees as may be required by the council so to do, shall, before entering upon the duties of their offices, or at such other time as the council may require, execute before the council of the said town or other officers of the said town as the council may prescribe bond, in such penalty, with such security and conditions as the council may direct. The bond of the recorder shall be conditioned for the faithful performance of the duties of his office, and the bonds of the treasurer, sergeant or other officers and employees shall be conditioned for the faithful performance of their respective duties as such, and for the proper collection and accounting for all moneys which shall come into their hands, respectively, or which it shall be their respective duty to collect at such time as the council may order and to pay over all moneys under proper order of the council to those entitled to the same, and such other conditions as the council may direct.

§29. The mayor shall be the chief executive officer of the town. He shall take care that the by-laws, ordinances, acts and resolutions of the council are faithfully executed. He shall be ex-officio a conservator of the peace within the town and within one mile of the limits thereof, and shall exercise all the powers, civil and criminal, vested in justices

of the peace for the county. He shall have control of the police of the town, and may appoint special police officers when he deems it necessary. It shall be his duty especially to see that peace and good order are preserved, and that persons and property are protected in the town. He shall have power to issue executions for all fines and costs imposed by him, or he may require the immediate payment thereof; and in default of such payment, he may commit the party in default to the jail of Culpeper county until the fines and costs shall be paid; but the term of imprisonment in such cases shall not exceed thirty days. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town. He shall receive a salary to be prescribed by the council, not exceeding three hundred dollars per annum, to be paid by the treasurer in quarterly or monthly installments. Such salary shall be fixed by the council preceding the election of officers of the town, which shall be neither increased nor diminished for the term for which he shall have been chosen.

§31. In case of the absence from town or the sickness of both mayor and recorder, and in case the office of both mayor and recorder are both vacant at the same time, the council shall, by vote of a majority present, appoint one of their own number to fill each office until the mayor or recorder may return to resume their duties, or until such vacancy or vacancies are properly filled.

§32. It shall be the duty of the treasurer to collect the taxes and other income and revenue of the town, and to account for and pay the same to such persons and at such times as the council may order; and at such times as the council may prescribe to render an account to the council showing his receipts and disbursements of the money which he has or should have collected, and to account for all taxes and other revenues which have been placed in his hands for collection and to return therewith a list of such as he shall have been unable to collect by reason of insolvency, to which list the officer so rendering it shall make oath that he has used due diligence to collect the same, but has been unable to do so.

The council shall, if it be satisfied that he could not have collected the said claims by use of due diligence, allow them; but if the council shall be of the opinion that by the use of due diligence on the part of the said treasurer or his deputy, he could have collected said taxes or other claims, then he shall be chargeable with such as he might have collected.

§33. All moneys belonging to said town shall be paid over to the treasurer, and no money shall be paid out except as the same shall have been appropriated and ordered to be paid by the council; and the treasurer shall pay the same only upon warrants drawn upon him as provided in section thirty of this charter. He shall keep regular accounts with the town, crediting it by all moneys received, and which by due diligence he might have received, and charging it with all moneys so disbursed, which books, as well as all others relating to the business of the town, shall be open at any time to the inspection of the council or any member thereof. He shall also keep a book in which shall be registered all warrants presented, payment of which is refused for want of funds to

meet the same, and the warrants so registered shall be paid in the order in which they are registered, when funds applicable thereto shall come into his hands, except that the person to whom any warrant is made payable may use the same in the payment of taxes. Should the person to whom any warrant is made payable be indebted to the town for taxes or otherwise, then the said indebtedness shall be deducted therefrom, whether in the hands of the person to whom payable or any other. He shall annually, on the first day of June, or as soon thereafter as practicable, settle his accounts with the council or a committee thereof, at which time he shall furnish a statement of all moneys received by him during the preceding year, and of all disbursements made, together with the warrants upon which said payments were made, which warrants shall be inspected, and, if approved, cancelled by the said council or committee, as the case may be. He shall receive a compensation for his services not to exceed five hundred dollars per annum, to be fixed by the council preceding the election of officers of the town, which shall not be increased or diminished for the term for which he shall have been elected.

§36. If the sergeant, treasurer, or other officer or employee shall fail to collect, account for, and pay over all the taxes, fines and other revenues of the town in their hands for collection or safekeeping, according to the conditions of their respective bonds, it shall be lawful for the council to recover the same by motion in the corporate name of the town before any court of record in the said county of Culpeper, against the sergeant, treasurer or other officer or employee and sureties of either in his bond, or any or either of them, his or their executors or administrators, on giving ten days' notice of the same. But this section shall not be construed to prevent the bringing of any action by the town which it might have brought had this section not have been passed.

§39. The council shall not take or use any private property for streets or other public purposes without making to the owner or owners thereof just compensation for the same; but in all cases where the said corporation cannot by an agreement obtain title to or an easement in the ground necessary for such purposes, it shall be lawful for said corporation to apply to obtain from the circuit court of Culpeper for authority to condemn the same, either within or beyond the corporate limits of the town of Culpeper, which shall be applied for and proceeded with according to law.

§40. All the rights, privileges and properties of the said town heretofore acquired and possessed, owned and enjoyed by any act now in force, not in conflict with this act, shall continue undiminished and remain vested in the said town under this act, and all laws, ordinances, acts and resolutions of the council now in force, not inconsistent with this act, shall be and continue in full force and effect until regularly repealed by a council elected as provided under this act.

§41. The council shall not have the power to contract any debt or liability, or make any appropriation of money without the concurrence of at least five members of the council, or four members and the mayor, entered on the journal.

An emergency requiring the same being deemed to exist, this act shall be in force from its passage.

CHAP. 73.—An ACT to establish a State highway commission, to define its powers and duties; the term of office, salary and qualifications of the commissioner; to authorize the commissioner to call into consultation the professors of engineering in certain State institutions, and appropriating money to carry the provisions of this act into effect.

Approved March 6, 1906.

1. Be it enacted by the general assembly of Virginia, as follows: That as used in this act the term "roads," "public roads," "county roads," and "highways" shall mean any main travelled public road of a county opened by the county or repaired by the county and used for public travel; that the term "commissioner" means the State highway commissioner, when in the performance of his duty.

2. The governor shall, at least fifteen days before the first day of July, nineteen hundred and six, appoint for a term of two years from July first, nineteen hundred and six, and at least fifteen days before the first day of February, nineteen hundred and eight, and at least fifteen days before the first day of February every sixth year thereafter, appoint, subject to the confirmation of the general assembly, in joint session, a citizen of this State possessing the qualifications prescribed by this act to be the State highway commissioner, whose term of office shall be six years, which shall begin on the first day of July next succeeding his appointment and confirmation, except that an appointment to fill a vacancy may be made by the governor which shall begin from his qualification and end on the thirtieth day of June succeeding the next session of the legislature, which legislature shall confirm such appointee's successor for the remainder of the unexpired term. The commissioner, together with the professors of civil engineering of the University of Virginia, Virginia military institute, and Virginia agricultural and mechanical college and polytechnic institute, one such professor to be designated by each of the boards of visitors of said institutions, shall constitute the State highway commission.

3. No person shall be eligible to the office of State highway commissioner unless he is a citizen of this State, and unless he is a civil engineer and a person well versed in road building.

4. The State highway commissioner shall, in the same manner, take and return the oath prescribed by law for all State officers.

5. The superintendent of public buildings shall provide suitable offices for the State highway commission in Richmond.

6. The State highway commissioner shall have an assistant, who shall be a civil engineer, and a clerk, to be appointed by the commissioner and to hold office at his pleasure, and who shall perform such duties as the commissioner may prescribe.

7. The commissioner may employ such other assistants and clerks as he may deem the needs of the State require, provided such assistants and clerks be paid no more than is allowed under this act for the assistant and clerk herein provided for: and, provided further, that the governor and the professor of civil engineering of the University of Virginia, the Virginia military institute, and the Virginia agricul-

tural and mechanical college and polytechnic institute shall approve of the employment by the commissioner of additional assistants and clerks. Such additional clerks and assistants shall be paid out of the contingent fund appropriated by this act.

8. It shall be the duty of the State highway commission to gather and tabulate information and statistics on road building, maintenance and improvement, and to disseminate the same throughout the State through farmers' institutes and the bulletins of the board of agriculture, or otherwise; and the commissioner shall make an annual report to the governor of the conduct and work of his office.

9. Whenever the local road authorities of any county propose to improve permanently any main travelled road or part thereof in their county, they may apply to the State highway commission for a competent civil engineer to view the proposed road. Upon receipt of such application the State highway commissioner shall send to such local road authorities a blank form, furnished by him for the purpose, eliciting from said local road authorities such information touching the proposed road improvement as he may desire, which blank form said local road authorities shall fill out to the best of their ability and return to the commissioner. If the commissioner be satisfied that the proposed improvement will be permanent and upon a main travelled road, and that the plans proposed by the local road authorities for such improvement are in his judgment adequate and practicable, he, or one of his assistants, shall view said road or part thereof proposed to be improved, and shall carefully prepare plans, specifications and estimates of cost for its construction with the materials agreed upon between the local road authorities and the commissioner, a copy of said plans, specifications and estimates of cost shall be submitted to the local road authorities and a copy filed in the office of the commissioner. If the local road authorities shall then decide to improve or construct said road or part thereof in accordance with the plans and specifications recommended and submitted by the commissioner, they may then apply to the State highway commissioner for such State aid for the improvement or construction of said road as may be obtained under the provisions of this act.

10. Whenever any county, through its local road authorities, shall make such last mentioned application to the State highway commissioner, and shall agree to supply all necessary materials, tools, and teams, required by the plans and specifications of the State highway commissioner, as aforesaid, and shall agree also to have the work performed, according to the plans and specifications of the State highway commissioner and under the supervision of a civil engineer to be supplied by the State highway commissioner, whose salary is not to exceed the rate of twelve hundred dollars a year, to be paid by the county having the benefit of his service, which consent and agreement shall be in writing and forwarded to and filed by the commissioner in his office, then the commissioner shall make requisition upon the superintendent of the penitentiary for such number of the State convict road force as he may deem necessary under the plans and specifications agreed upon as aforesaid, for the proper and economic work on said road. And

thereupon the superintendent of the penitentiary shall send to such county for such purpose the number of the State convict road force so required, and all of the provisions of an act, entitled "an act to create the State convict road force," etc., approved on the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and six, shall apply to the working of said State convict road force upon said road.

11. The State highway commissioner, as far as practicable, shall give equal service to each county of the State desiring to accept the benefits of this act.

12. The State highway commissioner shall have a general supervision of the construction and repair of the main travelled roads of the State; the commissioner may recommend to the local road authorities of any county, and to the governor, needed improvements in the public roads; he shall supply technical information on road building to any citizen or officer in the State, and from time to time publish for public use such information as will be generally useful for road improvement.

13. The State highway commissioner may call into consultation, for any engineering problem confronting him, the professor of civil engineering of the University of Virginia, the Virginia military institute and the Virginia agricultural and mechanical college and polytechnic institute, or any one or two of them. And it shall be the duty of said professors to aid and assist the said commissioner and to furnish him with any information or knowledge in their power; and when not actually engaged in academic work they may view any road work, bed, or quarry, or visit any other place deemed necessary by the commissioner or the professor for the assistance of the commissioner.

14. The State highway commissioner shall receive three thousand dollars per annum and his actual necessary travelling expenses when travelling on necessary business of his office; the assistant of the State highway commission shall receive eighteen hundred dollars per annum and his actual necessary travelling expenses when travelling on necessary business of his office; the clerk provided for by this act shall receive twelve hundred dollars per annum; the professors of civil engineering of the University of Virginia, the Virginia military institute, and the Virginia agricultural and mechanical college and polytechnic institute, shall, when employed in any manner required of them under this act, receive their actual expenses. The sum of sixteen thousand dollars, out of any money not otherwise appropriated, is hereby appropriated out of the treasury to carry the provisions of this act into effect, to be used for the salaries of the commissioner, the assistant commissioner and the clerk from July first, nineteen hundred and six, to February twenty-eighth, nineteen hundred and eight, and the residue thereof to be used for office fixtures and contingent expenses of the State highway commission.



CHAP. 74.—An ACT to create the State convict road force; to authorize the working of certain prisoners on the public roads of this State; providing for the guarding, transportation, lodging, feeding, clothing and medical attention of the State convict road force; providing for an increase of the penitentiary guard not to exceed forty-five men; providing how a county may have the benefit of the labor of the State convict road force; and appropriating money from the public treasury to carry the provisions of this act into effect.

Approved March 6, 1906.

Be it enacted by the general assembly of Virginia, as follows:

1. All prisoners convicted of crime and sentenced either to hard labor on the public roads or to imprisonment in jail, and all persons imprisoned in jail for the non-payment of a fine or costs, shall, when delivered upon the order of the superintendent of the penitentiary for such purpose, constitute the State convict road force.

2. It shall be lawful for the superintendent of the penitentiary, and it shall be his duty when in his judgment there is, or there is not, need of members of the State convict road force, to inform in writing any or all of the judges of the courts of this State, having original jurisdiction of felony trials, of such need or sufficiency.

3. Upon the written request of the superintendent of the penitentiary, the judge of the circuit court of any county, or the judge of the corporation court of any city, may in his discretion, in term or vacation, order any person confined in jail in his county, or city, and liable to work in chain-gangs or on the public roads of the State, to be delivered by the jailer of such city or county, upon the order of the superintendent of the penitentiary, to work in the nearest State convict road force needing said convicts—the said convicts to be transported as provided by section four of this act, and the cost thereof to be paid out of the appropriation herein provided. The jailer shall take a receipt for every person delivered by him under such order, which shall discharge said jailer from all liability for the escape of such prisoner, and he shall deliver to the superintendent of the penitentiary, to the auditor of public accounts, to the clerk of the circuit or corporation court, and to the clerk of the councils of the city, if of a city, and to the clerk of the council of the town, if of a town, if any such prisoner is committed for violation of such city's or town's ordinances, a report, setting forth the name of his jail, the name of each prisoner delivered by him to the superintendent of the penitentiary, with the date of such delivery, the length of sentence for which such prisoner was committed to his jail, the time such prisoner has served on his sentence and the number of days he would have to serve to complete his term, and whether convicted for violation of a city or town ordinance or under State law. The superintendent of the penitentiary shall keep upon books he shall provide for the purpose an account of each of such prisoners so delivered to him for the State convict road force, and he shall be allowed for keeping and supporting such prisoners the fees now allowed by section three thousand five hundred and thirty-two of the Code of Virginia of one thousand eight hundred and eighty-seven, to

jailers for similar service, except that no fee shall be allowed him for receiving a prisoner, and for the purpose of computation each gang or camp of the State convict road force shall be separately charged, and he shall render a monthly account to the auditor of public accounts for keeping and supporting such prisoners in the State convict road force as were convicted for violations of the laws of the Commonwealth, and to the auditors or clerks of councils of such cities or towns from which he has received prisoners committed to jail for a violation of the ordinances of any such city or town, or who were in jail under a *capias* pro fine issued for a failure to pay a fine imposed for a violation of such ordinances. When such accounts shall be certified as provided by section four thousand and eighty-four of the Code of Virginia of one thousand eight hundred and eighty-seven, except that the circuit court of the city of Richmond shall be the court from which such certificate shall be issued, and the auditor of public accounts shall draw his warrant upon the treasurer for such certified account and settle with said superintendent of the penitentiary; and the several cities and towns properly chargeable therewith shall remit to the superintendent of the penitentiary such sums for keeping and supporting such prisoners taken from jail as were committed for the violation of their ordinances as would have been paid under their respective ordinances, or in the absence of such special ordinance the same sums as are allowed jailers under section three thousand five hundred and thirty-two of the Code of Virginia of one thousand eight hundred and eighty-seven. No jailer shall receive any pay for keeping and supporting any prisoner delivered under this section to the superintendent of the penitentiary while not in his jail. Said convicts shall be returned by the superintendent of the penitentiary to the jails from which they were taken when not needed in the State convict road force to work on the roads, or in making road materials.

4. All the provisions of chapter two hundred and two of the Code of Virginia of one thousand eight hundred and eighty-seven as they stood on the day before this act goes into effect and also an act approved January thirtieth, one thousand eight hundred and ninety-six (acts one thousand eight hundred and ninety-five, one thousand eight hundred and ninety-six, chapter two hundred and four, entitled "an act to provide for the transportation of convicts to the penitentiary, etc."), and also an act, entitled "an act to require the superintendent of the penitentiary to keep account of all expenses incurred in delivering convicts to the penitentiary," approved March fourth, one thousand eight hundred and ninety-six (acts one thousand eight hundred and ninety-five, one thousand eight hundred and ninety-six, chapter seven hundred and eighty-two), shall be applicable to the State convict road force and to the prisoners comprising the same, unless manifestly inconsistent therewith, except sections four thousand one hundred and twenty-five, four thousand one hundred and twenty-six, four thousand one hundred and thirty-three, four thousand one hundred and thirty-four, four thousand one hundred and thirty-five, and four thousand one hundred and seventy-two: provided, however, that all jail convicts shall, when not at work on the roads, or engaged in making road material, be

returned to the jails from which they were taken, and that all felons sentenced and committed to hard labor on the roads, when not at work thereon or engaged in making material therefor, shall be kept in the penitentiary until the expiration of their respective terms, but such prisoners shall not be subject to any contract of hire, heretofore entered into by the State or by any of its officers or agents for prisoners confined in the penitentiary, but in all other respects, while in the penitentiary, they shall be treated as other convicts therein.

5. The superintendent of the penitentiary shall hold all moneys received by him under this act as the State convict road force fund, and the same shall be paid out on the order of the superintendent, approved by the board.

6. The superintendent of the penitentiary shall have power to discharge any of said prisoners, wherever they may be in this State, when his term shall have expired, and section four thousand one hundred and forty-seven of the Code of Virginia of one thousand eight hundred and eighty-seven shall apply to convicts in the State convict road force on jail sentences as well as to the felons committed to hard labor on the roads and to convicts in the penitentiary.

7. The State convict road force shall be guarded when at work on the roads of the State, and in making road material therefor, by guards furnished by the superintendent of the penitentiary, who shall detail from his regular guard sufficient officers and men for this purpose. The prison guard is hereby authorized to be increased not to exceed forty-five (45) men for this purpose, who shall in all respects be a part of the regular penitentiary guard. The expense of said additional guard shall be borne out of the moneys hereinafter appropriated in this act, and the superintendent is hereby authorized to employ them at such wages as may seem to him fair, irrespective of the wages now paid guards in the penitentiary.

8. The superintendent of the penitentiary shall provide suitable and movable quarters, said quarters to be built, as far as can be, with convicts' labor, and shall supply all necessary cooking utensils, beds and bedding, and wagons for transporting convicts and camp fixtures for the camps or stations of the State convict road force.

9. All convicts forming the State convict road force shall be transported to and from the jails or the penitentiary in which confined, in the same manner, the costs thereof to be paid in the same way as is now provided by law for transporting convicts to the penitentiary, except that prisoners of the State convict road force may be transported anywhere in this State upon the direction of the superintendent of the penitentiary.

10. Whenever the State highway commissioner shall make requisition upon the superintendent of the penitentiary for a designated number of the State convict road force to be employed upon the roads of any county of this State, which requisition shall state the number of convicts wanted and the point in the State at which they are to be delivered, the superintendent of the penitentiary shall send to such county such number of the State convict road force so required under proper guard and officers and with all necessary paraphernalia for a movable

camp for such road force. And said State convict road force shall be under the direction of an engineer, appointed for the purpose by the State highway commissioner, who shall be a civil engineer, or person well versed in road building, and said road force shall do all proper and necessary work upon such roads as the engineer may direct, for its proper construction and improvement. Should there arise a doubt as to what work is included in road building and improvement and should be done and performed by such State convict road force, such doubt shall be decided by the State highway commissioner, upon petition of either the local road authorities of the county or the superintendent of the penitentiary.

11. The superintendent of the penitentiary shall provide, in the same manner he provides for convicts in the penitentiary, all clothing, food, quarters and guards for the State convict road force when at work on the roads of any county in this State.

12. An engineer, appointed by the State highway commissioner, and whose salary, which is not to exceed the rate of twelve hundred dollars per year, shall be paid by the county having the benefit of his services, shall have charge and supervision of such improved road construction or repair under this act; he shall construct or repair all such roads under, and by the plans and specifications furnished by, the State highway commissioner, and shall from time to time render such reports to the State highway commissioner as to the cost of material, or labor, and the time of labor, etc., expended on the roads under his supervision, and any other information deemed important by said commissioner as he may direct.

13. Whenever any person held to labor in the State convict road force shall become sick he shall be attended by the physician for the jail of such county on whose road he is working at the time, or if there is no jail physician, then by the physician for the poor of such county, whose fees shall be paid by the county at such sum as may be agreed upon by the physician and the board of supervisors.

14. The sum of twenty-five thousand dollars annually, or so much thereof as may be needed, is hereby appropriated out of money not otherwise appropriated, which, in addition to the fees allowed for keeping and supporting prisoners by the third section of this act to be paid out of the regular appropriation for criminal expenses, shall be held by the superintendent of the penitentiary as the State convict road force fund, and shall be paid out as provided by section five of this act.

15. If the local road authorities of a county, proposing to improve permanently any main traveled road, or part thereof, and desiring to avail of the services of the State highway commission under the terms of the act creating that commission, and to have the benefit of this act creating the State convict road force, shall prefer to make such improvements by contract, then the State highway commissioner may, upon request, furnish such local road authorities, in advance of the letting of the contract, an estimate of the number of convicts available for use upon such proposed permanent road improvements, provided that such number of convicts to be so supplied by the State highway commissioner shall not exceed such a number as that estimating their labor at one

dollar per day per convict, exclusive of Sundays, will amount to a contribution on the part of the State of more than forty per centum of the total contract price of such proposed improvement.

The convicts so employed upon contract work shall be and remain under the direction, supervision and care of the superintendent of the penitentiary and of the State highway commissioner, and may be worked only for such hours and under such humane and reasonable rules, regulations, and conditions as may be jointly prescribed and enforced by the superintendent of the penitentiary and the State highway commissioner, which said hours, rules, regulations, and conditions shall be stated and promulgated in advance of the letting of the contract.

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CHAP. 75.—An ACT to amend and re-enact section 6 of the charter of the city of Richmond relating to the filling of vacancies in elective offices, and to amend and re-enact section 19 and sub-sections III., V., VIII. and XI. of section 19 of the charter of the city of Richmond relating to the powers of the council of the city of Richmond, and to amend and re-enact section 22 of the charter of the city of Richmond relating to the making of compensation and the payment of damages for land or other property taken by the city of Richmond for its purposes.

Approved March 6, 1906.

1. Be it enacted by the general assembly of Virginia, That sections six and nineteen and sub-sections three, five, eight, and eleven of section nineteen, and section twenty-two of the charter of the city of Richmond be amended and re-enacted so as to read as follows:

§6. In cases of vacancies arising in any office elective by the people when a general election will occur before the expiration of the term of such office, at which an election can be legally held for the purpose, it shall be the duty of the mayor, upon the happening of any such vacancy or vacancies, forthwith to certify the fact of such vacancy or vacancies to the judge of the hustings court who shall issue his writ requiring an election to fill such vacancy or vacancies, to be held at such general election, in the manner prescribed in the general election laws of the State.

§19. The council of the city of Richmond shall have power to enact suitable ordinances to secure and promote the general welfare of the inhabitants of the city, and shall also have, subject to the provisions herein contained, the control and management of the fiscal and municipal affairs of the city, and of all property, real and personal, belonging to the said city; and may make such ordinances and adopt such resolutions relating to the same as they shall deem proper and necessary. They shall likewise have the power to make such ordinances, resolutions, and regulations as they may deem desirable and suitable to carry out the following specific powers, which are hereby vested in them:

Sub-section III. To erect and keep in order all public buildings necessary or proper for said city; to open, regulate the use of, and to ornament public squares and parks, and may maintain nurseries for the propagation and growth of trees and shrubs to be used for the purpose of improving, shading and ornamenting such squares, parks and streets of

the city, and may authorize the exchange or donation of any surplus stock of such trees or shrubs to be used for a like purpose by other persons within or without the city.

Sub-section V. To establish, maintain, enlarge or improve water works, gas works, and electric plants within or without the limits of the city of Richmond, and furnish water, gas, and electricity to consumers for domestic or commercial purposes, and charge and collect compensation therefor, and, to accomplish these purposes, to contract and agree with owners of land for the use or purchase thereof, and for all land, rights, or easements necessary for the construction, maintenance or repair of dams, sluices, conduits, culverts, pipes, basins, reservoirs, poles or wires connected therewith, or any fixture or appurtenance thereof, or may have the same condemned for said purposes and for the supplying of water to any canal, sluice, pipes or other fixture or appliance used in connection with said water works whenever, in their discretion, they may deem the same necessary or desirable: provided, that the natural drainage of any roads, streets, or lands outside of its corporate limits shall not be impeded or illegally interfered with by the city in the erection or construction of the works and improvements, or the doing of any other acts authorized by this charter. They shall have power to protect from injury by adequate penalties the said works, pipes, poles, wires, fixtures, land and canals, or anything connected therewith, within or without the limits of said city, and to prevent the pollution of water in James river or in any branch or stream flowing into the same by prohibiting the throwing or discharge in any manner of any filth, offensive and deleterious matter or liquid therein within fifteen miles above the said works, as to render, or probably to render, the water impure. There shall be no lease nor sale of the city gas, water, or electric works, unless the proposition shall first be submitted to the voters of the city of Richmond, at some regular election, and receive in favor thereof a majority of all votes cast at such election.

Sub-section VIII. To construct and maintain or authorize the construction or maintenance of bridges and viaducts over James river or other stream or creek, or over any ravine, where any portion thereof is within the city limits, and to construct and maintain, or authorize the construction and maintenance of, subways, vaults, areas, or cellars under the streets or other public places, or elsewhere within the limits of the city, and charge and collect compensation for use of same, and to prevent injury to or obstruction of the streets, alleys, or other public places or property of the city; but any bridge constructed across James river under authority of this section shall be free to the public, except that compensation may be required of transmission or transportation companies for the use of such bridge.

Sub-section XI. To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of heavy draught upon the streets of said city; but the foregoing shall not apply to vehicles coming into and not owned in said city; and to limit the speed of street cars and vehicles on the streets, and to prescribe the motive power that may be used for their propulsion, and also to prescribe the kind, character, and weight of vehicles that may be used in parks and on any particular street or streets.

§22. The city of Richmond shall not take or damage private property for the opening or improvement of streets or for any other public purposes without making to the owner thereof just compensation for the same, but in all cases where land or other property, or any right, easement or estate therein is needed or will be damaged for any use authorized by this charter, which cannot, because of the incapacity of the owner, or inability to agree upon the compensation to be paid or terms of settlement, or because the owner cannot, with reasonable diligence, be found in this State, or is unknown, agree on terms of purchase or settlement with those entitled to said land, property, interest, right, easement or estate, the city of Richmond may acquire the same or have the damages ascertained by condemnation proceedings instituted in the circuit court of the county in which such land, property, interest, right, easement or estate lies or is situated, or in the hustings court of the city of Richmond if the subject lies or is situated within the city; such proceedings to be instituted and conducted as provided by law. And in the event the said city shall proceed to acquire by condemnation a right of way for any bridge or viaduct over the lands of the owner of any toll bridge or viaduct now in existence, the commissioners, in awarding damages, shall be governed by the general law of the State concerning the exercise of the power of eminent domain.

2. This act shall be in force ninety days after the adjournment of this session of the general assembly.

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CHAP. 76.—AN ACT to incorporate the town of Virginia Beach, in the county of Princess Anne, Virginia.

Approved March 6, 1906.

1. Be it enacted by the general assembly of Virginia, That the following described territory in Princess Anne county be, and is hereby, incorporated as a town, to be known as Virginia Beach.

2. Beginning at a point in the county of Princess Anne, on the Atlantic ocean, where the Chautauqua by the sea and W. H. Hall's line adjoin; thence running northerly along Atlantic ocean to Twenty-sixth street to Linkhorn bay; thence running southerly along Linkhorn bay and following the westerly boundary of the Virginia Beach development company's property until it strikes Parks avenue, as shown on the plat of Virginia Beach, recorded with the deed to Robert M. Hughes, duly recorded in the clerk's office of Princess Anne circuit court, July twenty-first, eighteen hundred and eighty-seven; thence running south down the centre of Parks avenue through the property now or formerly the Atlantic investment company until it strikes the lines of the Virginia Beach development company's property; thence following the boundary of the Virginia Beach development company's property to a cove in Lake Rudee; thence running eastwardly along the southern boundary of the Virginia Beach development company's property to a point in Hall's line; thence eastwardly in a straight line to the point of beginning.

3. The said town and its officers shall have all the powers and privileges and be subject to all the restrictions provided by the general laws of this Commonwealth for the government of towns and the powers of officers of towns.

4. Until the regular election held on the second Tuesday in June, nineteen hundred and six, the following shall be the officers of said town: B. P. Holland, mayor; D. Stormont, W. J. O'Keef, A. J. Ackiss, James S. Groves, J. P. Jones, and W. J. Wright, councilmen. The council shall appoint a recorder and a sergeant.

5. To improve the sanitary conditions and secure police protection at once, an emergency exists, and it is ordered that this bill be in force from its passage.

CHAP. 77.—An ACT to authorize the special board of directors of the Southwestern hospital to convey to the town of Marion a strip of land to be used as a public street.

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That the special board of directors of the Southwestern State hospital is hereby authorized and empowered to convey to the town of Marion a strip of land of even width with Main street of said town, running from the present northeast terminus of said Main street to the east side of the avenue leading from the hospital: provided, said town will grade said street and keep it in proper repair.

2. In the event at any time said street so conveyed shall cease to be used as a public street or highway, it shall revert to the said Southwestern State hospital.

CHAP. 78.—An ACT to validate the acknowledgment taken by mayors and members of councils who are ex-officio justices of the peace, and whose power to take such acknowledgments has been questioned.

Approved March 7, 1906.

Whereas certain charters have been granted incorporating towns in this State and clothing the mayors of said towns and members of the councils with powers of justices of the peace, under which acknowledgments of deeds and other writings have been taken; and whereas it is desirable, in the interest of innocent purchasers, that said acknowledgments be validated; therefore,

1. Be it enacted by the general assembly of Virginia, That all acknowledgments of deeds and other writings taken by mayors and members of the councils of towns incorporated since the tenth day of July, nineteen hundred and two, be, and the same are, validated and made as binding and effectual as if the said acknowledgments had been taken by properly authorized officers.



CHAP. 79.—An ACT to amend and re-enact section 3 of an act approved May 15, 1903, entitled "an act to appropriate the sum of \$10,000, or so much thereof as may be necessary, to carry out the provisions of the act to provide a statue of Robert Edward Lee, to be placed in statuary hall in Washington, and to constitute a commission to contract for said statue and present the same."

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That section three of an act entitled "an act to appropriate the sum of ten thousand dollars, or so much thereof as may be necessary to carry out the provisions of an act to provide a statue of Robert Edward Lee, to be placed in statuary hall in Washington, and to constitute a commission to contract for said statue and present the same," approved May fifteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§3. The said commission shall choose one of its members as chairman and another as secretary, who shall, when authorized by said commission, make an order on the auditor of public accounts for said appropriation in such amount or amounts as said commission may direct, and the auditor of public accounts is hereby directed, upon presentation of such order or orders, duly signed by the chairman and attested by the secretary of the commission at any time within two years from the end of the present session of the general assembly of nineteen hundred and six, to draw his warrant upon the State treasurer for the payment of the said appropriation in such amount or amounts as may be ordered: provided, however, that not more than one-third of the said sum of ten thousand dollars hereby appropriated shall be available before the completion of the said statue. The commission as at present constituted shall continue in existence, except that the governor of Virginia in office when the act becomes a law shall become a member ex-officio.

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CHAP. 80.—An ACT to amend section 1529 of the Code of Virginia in relation to the levy of taxes for school purposes.

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That section fifteen hundred and twenty-nine of the Code be amended and re-enacted to read as follows:

§1529. The council of each city shall have power, and it shall be its duty, on or before the fourth Monday in July in each year, or as soon thereafter as practicable, to levy a tax upon the real and personal property in the city of not to exceed fifty cents on the one hundred dollars of its assessed value, or the council may, in its discretion, make an appropriation in lieu of such levy.

**CHAP. 81.—An ACT to authorize the city of Portsmouth to issue bonds to establish water works to furnish a supply of water and to create a board of commissioners to manage and conduct the same.**

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That the council of the city of Portsmouth be, and it is hereby, authorized, in accordance with section one hundred and twenty-seven b (127b) of the Constitution of Virginia, in order to establish a system of water works to furnish a supply of water for the said city, to issue registered or coupon bonds, to be known as "water bonds," in such denominations and at such a rate of interest as may be determined by said council: provided, however, that the whole amount of bonds issued under this bill shall not exceed five hundred thousand dollars, and the rate of interest on the same shall not exceed four per centum per annum, payable semi-annually. The said bonds shall be made payable in thirty years after their date, and be issued in the name of the city of Portsmouth, and signed by the president of each branch of the council and by the city treasurer at the time the said bonds are issued, with the seal of the city thereto affixed, attested by the city clerk. The said bonds shall be subject to no taxation whatever by the city of Portsmouth, and may be disposed of in such manner as the said council may deem expedient: provided, however, that the same shall not be disposed of for less than their par value.

So many of the said bonds as may be necessary to purchase the land and water from which the supply is to be furnished may be issued at any time at which the said council may deem it necessary to make the said purchase; but the remainder of the said bonds shall not be issued prior to the year nineteen hundred and twelve, unless the contract now existing between the said city and the Portsmouth, Berkley and Suffolk water company shall be sooner annulled, at which said time any and all of the said bonds may be issued.

2. And the said council is further authorized and empowered to appoint a board of water commissioners, consisting of the mayor, the city engineer, and five other qualified voters of said city, and also to appoint such other officers and agents as it may deem necessary for the construction and maintenance, operation, and administration of the said water works and supply of water; to fix their time of appointment, their term of office, their duties, and their salary, except that the said board of water commissioners shall receive no compensation whatever for their services; and for the purpose of carrying into effect the objects of this bill the said council may do any and all such other acts and things as it may deem necessary.

CHAP. 82.—An ACT to amend and re-enact an act entitled “an act to regulate the issue and sale of the bonds of the town of Pulaski,” approved February 19, 1896.

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That the act of the general assembly of Virginia, approved February nineteenth, eighteen hundred and ninety-six, entitled “an act to regulate the issue and sale of the bonds of the town of Pulaski,” be amended and re-enacted so as to read as follows:

§1. Be it enacted by the general assembly of Virginia, That the town of Pulaski shall not have outstanding and in force at any one time its bonds of any description or denomination, including existing indebtedness, in an amount exceeding fifteen per centum of the assessed value of the real and personal property assessed in said town.

2. That all acts or parts of acts in conflict with this act be, and the same are hereby, repealed.

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CHAP. 83.—An ACT to amend and re-enact section 58 of the Code of Virginia of 1887, as amended and re-enacted by an act approved December 23, 1891, and amended and re-enacted by an act approved April 2, 1902.

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That section fifty-eight of the Code of Virginia of eighteen hundred and eighty-seven, as amended and re-enacted by an act approved December twenty-three, eighteen hundred and ninety-one, and as amended and re-enacted by an act approved April two, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§ 58. When members of the house of delegates elected; apportionment therefor.—The members of the house of delegates shall be elected on the Tuesday succeeding the first Monday in November, nineteen hundred and seven, and biennially thereafter on the Tuesday succeeding the first Monday in November, and be distributed and apportioned as follows:

Accomac shall have one delegate.

Albemarle and Charlottesville shall have two delegates.

Alexandria city and county shall have one delegate.

Alleghany and Craig shall have one delegate.

Amherst shall have one delegate.

Appomattox shall have one delegate.

Amelia and Nottoway shall have one delegate.

Augusta and Staunton shall have two delegates.

Bath, Highland, Buena Vista, and Rockbridge shall have one delegate.

Bedford shall have two delegates.

Botetourt shall have one delegate.

Brunswick shall have one delegate.

Buckingham and Cumberland shall have one delegate.  
 Campbell shall have one delegate.  
 Caroline shall have one delegate.  
 Carroll shall have one delegate.  
 Charlotte shall have one delegate.  
 Chesterfield shall have one delegate.  
 Chesterfield, Manchester, and Powhatan shall have one delegate.  
 Clarke and Warren shall have one delegate.  
 Culpeper shall have one delegate.  
 Dickenson and Wise shall have one delegate.  
 Dinwiddie shall have one delegate.  
 Elizabeth City and Accomac shall have one delegate.  
 Fairfax shall have one delegate.  
 Fauquier shall have one delegate.  
 Fauquier and Loudoun shall have one delegate.  
 Floyd shall have one delegate.  
 Franklin shall have one delegate.  
 Frederick and Winchester shall have one delegate.  
 Gloucester shall have one delegate.  
 Goochland and Fluvanna shall have one delegate.  
 Giles and Bland shall have one delegate.  
 Grayson shall have one delegate.  
 Halifax shall have two delegates.  
 Hanover shall have one delegate.  
 Henrico shall have one delegate.  
 Henry shall have one delegate.  
 Isle of Wight shall have one delegate.  
 King and Queen and Essex shall have one delegate.  
 King William and Hanover shall have one delegate.  
 Lancaster and Richmond county shall have one delegate.  
 Lee shall have one delegate.  
 Loudoun shall have one delegate.  
 Louisa shall have one delegate.  
 Lunenburg shall have one delegate.  
 Lynchburg shall have one delegate.  
 Madison and Greene shall have one delegate.  
 Mathews and Middlesex shall have one delegate.  
 Mecklenburg shall have one delegate.  
 Montgomery and Radford shall have one delegate.  
 Nansemond shall have one delegate.  
 Nelson shall have one delegate.  
 Newport News shall have one delegate.  
 New Kent, Charles City, James City, York, Warwick, and Williams-  
 burg shall have one delegate.  
 Norfolk city shall have two delegates.  
 Norfolk county shall have two delegates.  
 Northampton and Accomac shall have one delegate.  
 Northumberland and Westmoreland shall have one delegate.  
 Orange shall have one delegate.  
 Page and Rappahannock shall have one delegate.

Patrick shall have one delegate.  
Pittsylvania and Danville shall have three delegates.  
Petersburg shall have one delegate.  
Portsmouth shall have one delegate.  
Princess Anne shall have one delegate.  
Prince Edward shall have one delegate.  
Prince William shall have one delegate.  
Pulaski shall have one delegate.  
Rockingham shall have two delegates.  
Richmond city shall have five delegates.  
Roanoke city shall have one delegate.  
Roanoke county shall have one delegate.  
Rockbridge and Buena Vista shall have one delegate.  
Russell shall have one delegate.  
Scott shall have one delegate.  
Shenandoah shall have one delegate.  
Smyth shall have one delegate.  
Southampton shall have one delegate.  
Spotsylvania and Fredericksburg shall have one delegate.  
Stafford and King George shall have one delegate.  
Sussex and Greenvsille shall have one delegate.  
Surry and Prince George shall have one delegate.  
Tazewell and Buchanan shall have one delegate.  
Washington and Bristol shall have two delegates.  
Wythe shall have one delegate.

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CHAP. 84.—An ACT to amend and re-enact an act approved March 10, 1904, entitled "an act to amend and re-enact an act approved April 2, 1902, entitled an act to amend and re-enact an act entitled an act to provide a road law for Campbell county," approved March 5, 1900, providing and regulating a road board for said county, and directing the disbursement of the county road fund.

Approved March 7. 1906.

Be it enacted by the general assembly of Virginia, That sections sixteen, seventeen and eighteen of an act approved March ten, nineteen hundred and four, entitled "an act to amend and re-enact an act approved April two, nineteen hundred and two, entitled an act to amend and re-enact an act entitled an act to provide a road law for Campbell county, approved March five, nineteen hundred, providing and regulating a road board for said county, and directing the disbursements of the county road fund," be amended and re-enacted so as to read as follows:

§16. All applications for new roads or new bridges, or for the change of location of existing roads, shall be made to the board of supervisors of said county; and the proceeding therefrom shall be as now provided by the general law, approved March twelve, nineteen hundred and four, acts nineteen hundred and four, chapter one hundred and six.

§17. When any new road is ordered to be opened, or the location of any old road is changed, the same shall be done by contract, or otherwise, as the said board of supervisors may direct.

§18. The general road law of this State, approved March twelve, nineteen hundred and four, except in so far as in conflict with this act, shall be in force in Campbell county.

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CHAP. 85.—An ACT to amend and re-enact section 1 of chapter 10 of an act approved February 17, 1890, entitled "an act to incorporate the city of Danville."

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That section one of chapter ten of an act approved February seventeenth, eighteen hundred and ninety, entitled "an act to incorporate the city of Danville," be amended and re-enacted so as to read as follows:

§1. The council shall have the power and authority to organize a police force for the city, to be composed of a chief, other needed officers and such number of men as said council may think are needed for the guardianship and protection of said city. The officers and members of said force shall be elected or appointed for such time or term as to the council may seem fit, and the pay, uniform and regulations for the government of said police force shall be prescribed by the council: provided, the council may, if it deem it best, provide for a board of police commissioners, appoint them, define their duties and powers, pay, if any, terms of office, etcetera: and provided, further, the council may empower the mayor to appoint special policemen when on special occasions he may deem it necessary to the protection of the city.

The police force when duly constituted, shall be under the control of the mayor, for the purpose of enforcing peace and good order and executing the laws of the State and the ordinances of the city. It shall also perform such other duties as the council may prescribe. For the purpose of enabling it to perform its duties and powers each member thereof is hereby made a conservator of the peace during his term of office or service, and endowed with the powers of constable in criminal cases and all other powers, which under the law of the State, may be necessary to enable him properly to discharge the duties of his office.

2. An emergency existing therefor, this act shall be in force from its passage.

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CHAP. 86.—An ACT to incorporate the town of Galax, in the counties of Grayson and Carroll.

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That the territory in the counties of Grayson and Carroll, contained within the following boundaries—to-wit: Beginning at what is known as the Given's

Ford in Piper Gap road; thence with the northern boundary of said road to its intersection with the Grayson and Carroll pike; thence with the eastern and southern boundary of said Carroll and Grayson pike to where it crosses Chestnut creek, near C. W. Caldwell's; thence with the creek to the beginning shall be and constitute and incorporate a community and town by the name of the town of Galax.

2. The said town and its officers shall have all the powers and privileges and be subject to all the restrictions provided by the general laws of this Commonwealth for the government of towns and the power of the officers of towns.

3. The mayor, recorder and councilmen shall be elected by the qualified voters of the said town under the general laws of the State pertaining to elections, and the first election under this act shall be held on the second Tuesday in June, nineteen hundred and six. Until such election is held the following named officers are hereby declared to be the officers of said town, to serve as such officers until their successors are duly elected and qualified: B. F. Calloway shall be mayor; W. F. Murphy, recorder; W. T. Harp, sergeant; J. B. Landreth, J. W. Bolen, R. E. Jones, M. L. Bishop, J. K. Caldwell, and R. H. Jones shall compose the town council. The terms of such of said officers as are elected shall commence on the first day of September, succeeding their election, and their term of office shall continue for such period as may be fixed by the general law.

4. Owing to the necessity for police protection in the territory named, an emergency exists, and this act shall be in force from its passage.

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CHAP. 87.—An ACT to repeal an act approved March 2, 1904, entitled "an act to provide for working and keeping in repair the roads and bridges in the counties of Sussex and Greensville, and providing what tax shall be used for keeping the same in order.

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That the act approved March second, nineteen hundred and four, entitled "an act to provide for working and keeping in repair the roads and bridges in the counties of Sussex and Greensville, and providing what tax shall be used for keeping the same in order, is hereby repealed.

2. An emergency existing for the immediate enactment of this statute. the same shall be in force from its passage.

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CHAP. 88.—An ACT to constitute the district road boards of the several magisterial districts in the county of Mecklenburg, Virginia, a body corporate, with power to sue, be sued, plead and be impleaded.

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That the road boards of the several magisterial districts of the county of Mecklenburg be, and they are hereby, declared and constituted a body corporate, with

power to sue, be sued, plead and be impleaded, and to borrow money and execute bonds therefor, subject to the limitations and provisions of any special law authorizing the same.

2. Any district in said county desiring to take the sense of the qualified voters upon the issue of bonds for road improvement or for other purposes, may, upon petition of twenty qualified voters, the same being free holders, apply to the judge of the circuit court in whose jurisdiction the district lies, who may, at the next general election, or in his discretion at a special election, issue a writ for such election, to determine the will of the qualified voters upon such bond issue, the expense of such election to be paid by the district so applying, the issue in no case to exceed, together with other indebtedness, ten per cent. of the taxable values of such district. The election so held shall in all respects conform to the general law governing elections and returns made and canvassed, as provided by law.

3. The ticket used shall designate upon its face the amount of bond issue, and the words "for issue" and "against issue"; and if it appear upon the returns that a majority of the votes cast were in favor of bond issue, and that the said majority constituted a majority of the free holders voting at such election, then the said road board may cause to be issued bonds, not in excess of amount named on said election ticket and bearing six per centum interest, and payable thirty-four years after date, with option to redeem after ten years. All money derived from sale of said bonds shall be paid over to the county treasurer, and by him placed to credit of said district road board, subject to the approval of the board of supervisors of said county.

4. The district road board may draw upon said fund upon approval of board of supervisors, for such amount as may be necessary to be expended for the thirty days next succeeding, and shall upon further application make report of work done and how fund has been expended. The board of supervisors of said county shall, in making their annual levy, make such levy upon the property of the district for whose benefit the bonds were issued as shall be sufficient to pay the interest and provide a sinking fund to retire the same. The said board may from time to time invest the sinking fund so provided as the circuit judge may direct.

5. The district road board shall semi-annually, first of July and first of January, post at each voting place in said district a statement of all moneys drawn from general fund, and how expended.

6. The treasurer shall be allowed for paying out said fund one-fourth of one per centum.

7. Certain districts in said county desiring to proceed forthwith with said road improvement, this act shall be declared an emergency act, and in force from its passage.



CHAP. 89.—An ACT to amend and re-enact an act entitled an act incorporating Pamplin City, Virginia, approved March 24, 1874, as amended by an act entitled an act to amend and re-enact the third section of an act entitled an act incorporating Pamplin City, Virginia, approved March 31, 1875.

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That the territory comprised within the limits set forth and described in the second section of this act be deemed, taken and made a corporation by the name of Pamplin City, and by that name shall have and exercise all the powers conferred upon towns by the general laws of the State now existing, or which may be hereafter passed, for the government of towns and cities of Virginia.

2. The boundaries of the said town of Pamplin City shall be as follows—to-wit:

Commencing at a rock pile at a point on the Hixburg road, above the place commonly known as Lowe's crossing, and moving thence forty degrees west to a point in Davis' field; thence south sixteen degrees west fifty-six and one-half poles to a white oak on Lynchburg road; thence south seven degrees east one hundred and thirty-eight poles to a red oak on Franklin estate; thence south thirty-five degrees east eighty poles to a white oak; thence seventy-two degrees east one hundred and four and one-half poles to a rock pile on Elkien's line; thence north thirty degrees east seventy-six and three-fifths poles to a white oak; thence north thirty-six degrees, west fifty-seven poles to a fence post on the new road to Pamplin City; thence north three degrees east fifty-three and four-fifths poles to an oak tree; thence north seventy-seven and one-half degrees, west fifty-one and one-half poles to a poplar tree near a branch in Merrill's land; thence north thirty-six degrees west eighty-eight poles to a rock in Dore Pamplin's field; thence north fifteen degrees west eighty-six poles to beginning.

3. The government of the said town shall be vested in a mayor and town council of six members, who shall be residents and qualified voters in the said town, to be chosen by ballots every two years by election to be conducted as prescribed by law. The first election to be held on second Tuesday in June, nineteen hundred and six, and every two years thereafter.

4. The electoral board of the county shall appoint three qualified voters who shall act as judges at all corporation elections, general or special, and who shall have the right and whose duty it shall be to appoint two clerks of election, and all elections shall be conducted as general and certified elections are conducted.

5. In case a vacancy shall occur, in any office of said town, the council shall select a qualified person to fill the vacancy for the unexpired term of said officer. The mayor and councilmen shall be sworn in accordance with the laws of the State before entering upon the discharge of the duties of their respective offices.

6. The mayor and three members of the council shall constitute a quorum to transact the business of the town. In the absence of the

mayor, one member shall be selected by the council to act as mayor pro tempore, and any member of the council shall have power to act as mayor in his absence from any cause, and do any act the mayor might lawfully do.

7. The council shall select (from their own number) a clerk, who shall keep and preserve the records of the council. The council shall (direct) and levy, and by the assessment of real and personal property for the purpose of levying the town taxes.

8. The council of said town shall have the power to mark the bounds of existing streets, lay out, grade and pave them, and have all the general powers given by the general laws of the State to towns, and do any act they deem advisable for the improvement of the streets or highways under their jurisdiction, not contrary to the general law.

9. The council shall have the power to regulate the sanitary conditions of said town. It shall have power to punish all violations of the law by fine or imprisonment, or both, at the discretion of the mayor, subject to the general laws of State.

10. The town council shall, with the consent of the legal authorities, have the use of the county jail of Appomattox county for the safe-keeping of all persons who shall be sentenced for the violation of the laws or ordinances of said town, until said town shall build its own house for that purpose.

The expense of the keeping in said jail all violators of the law ordinances to be paid by the said town.

11. Whenever judgment shall be rendered against any person for fines, or costs, or both, and no visible effects of such person can be found upon which the sergeant may distrain a levy or sell therefor, the person so in default shall be compelled to work out such fines and costs, or both, on the public streets or other improvements of said town, and all fines for carrying concealed weapons shall go to the corporation for purposes of the said town.

12. The mayor shall be the presiding officer, and have power to suspend any officer for the neglect of duty, or disorderly conduct.

13. The council shall have the authority to impose a license tax on all persons doing business within the said town, on whom the State imposes a tax.

14. The council shall have the power to restrain and punish drunkards and beggars and vagrants, to prevent vice and immorality, to prevent fast driving and otherwise to preserve public peace and good order.

15. The council shall have the power to establish and maintain at their discretion a fire department of the said town.

16. The sergeant of the said town shall be selected by the council from the citizens of the said town, and shall hold his office at the pleasure of the said council, and shall hold his office for a period of two years, unless removed by the mayor for cause, and in that event he shall have the right of appeal as now provided by law, and may be required to give such bond and security for the faithful discharge of the duties of his office as the council may deem proper.

17. The town sergeant shall collect all taxes and may distrain and sell for town taxes, and shall have in all respects the power to enforce the

collection thereof, said taxes to be turned over to the treasurer of said town, and reports to be made to the council as often as they may deem proper.

18. From and after this act goes into effect, and until its councilmen and mayor be elected under its provision shall have been so elected and qualified, R. L. Franklin, C. S. Morton, F. H. Lukin, L. N. Ligon, J. F. Connally and R. D. Baldwin are hereby appointed councilmen, and R. W. Beale, mayor, and they may qualify before any justice of the peace of Appomattox county, and therefrom shall constitute the mayor and council of the said town of Pamplin City, Virginia, and may organize and perform the duties of said mayor and council.

19. In order that this election may take place the second Tuesday in June, nineteen hundred and six, an emergency exists for this act to go into effect from its passage.

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CHAP. 90.—An ACT to authorize the board of supervisors of Buckingham county to assist in the erection of a Confederate soldiers' monument by donation of land and appropriation of money.

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Buckingham county be, and are hereby, authorized and empowered to assist Irving camp and the sons and daughters of Confederate veterans in their efforts to erect a monument to the memory of the Confederate soldiers of said county by conveying to such trustee or trustees as may be agreed upon, a parcel cut out of the court-house square or other land owned by the county at the county seat, twenty or thirty feet square for such monument; and they are further authorized and empowered to appropriate out of any available county funds money to supplement local and personal subscriptions to the monument fund, dollar for dollar of such subscriptions: provided, that the pecuniary aid so given by the county shall not exceed the sum of six hundred dollars: and further provided, that when completed said monument and square shall be and continue in trust under the care and control of the said board of supervisors, or other proper authority, from time to time having control of the county property.

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CHAP. 91.—An ACT to amend and re-enact sections 41, 42, 43, 44, 45, 46 and 47, chapter 4, of an "act concerning public service corporations," approved January 18, 1904, so as to require a separation of white and colored passengers on cars operated by electricity.

Approved March 7, 1906.

1. Be it enacted by the general assembly of Virginia, That sections forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, and forty-seven of chapter four, of an act concerning public service corpora-

tions, approved January eighteenth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§41. All companies or corporations, person or persons, running or operating trains, cars or coaches by electricity on any railroad line or track within the State; and all railroads, traction or power companies, person or persons, running or operating trains, cars or coaches, by electricity in this State, whether upon lines of railroad owned in part or in whole or leased, or lines that may hereafter be granted or constructed; and all foreign corporations organized under charters now granted, or that may hereafter be granted by any other State, or person or persons who may now or may hereafter be engaged in running or operating any electric railroad or railway within this State, either in part or in whole, either in their own name or in the name of others, be, and are hereby, required and directed in all such cars and coaches to separate the white and colored passengers, and to set apart and designate in each car or coach a portion thereof, or certain seats therein to be occupied by white passengers, and a portion thereof, or certain seats therein, to be occupied by colored passengers, and such company or corporation, person or persons that shall fail, refuse or neglect to comply with the provisions of this section shall be guilty of a misdemeanor, and upon indictment and conviction they shall be fined not less than fifty dollars nor more than two hundred and fifty dollars for each offense.

§42. The said companies, corporations or persons so operating trains, cars or coaches upon such lines of railroad or railway shall make no difference or discrimination in the quality and convenience of the accommodations provided for the two races, under the provisions of section forty-one: and it is provided further, that said companies, corporations or persons so operating trains, coaches or cars upon such lines of railroad or railway shall in cold weather reasonably heat the several apartments of all cars carrying passengers therein.

§43. The conductor, manager or other person in charge of any car or coach so operated upon any such line of railroad or railway shall have the right, and he is hereby directed and required at any time when it may be necessary or proper for the comfort and convenience of passengers so to do, to change the designation so as to increase or decrease the amount of space or seats set apart for either race: provided, however, no contiguous seats on the same bench shall be occupied by white and colored passengers at the same time (unless or until all of the other seats in said car shall be occupied); and said conductor or manager may require any passenger to change his or her seat as often as it may be necessary or proper; the said conductor or manager or any such railroad or railway who shall fail or refuse to carry out the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars for each offense.

§44. All persons who shall fail to take and occupy the seats assigned to them, as heretofore, by sections forty-one and forty-three, provided, or fail to obey the instructions and directions of the conductor or manager of such car or coach, as to the seat or space to be occupied by such passenger, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars.

And any person or persons failing to take and occupy the seat or seats assigned to him, her or them, or failing to obey the instructions and directions as herein, by sections forty-one and forty-three provided for, may be ejected from said car, and from the right of way of said company by any conductor, motorman or manager of said company, or by any police officer or other conservator of the peace; and in case such passenger ejected shall have paid his fare upon said car, he shall not be entitled to a return of any part of said fare.

§45. Each conductor and motorman in the employ of said company, and upon the cars of said company, shall be a special policeman, and have all the powers of conservators of the peace in the enforcement of the provisions of this act, and in the discharge of his duty as special policeman in the enforcement of order upon said cars and said right of way; and such conductors and motormen shall likewise have the powers of conservators of the peace and of special policemen while in pursuit of persons for disorder upon said cars and right of way for violating the provisions of sections forty-one, forty-three and forty-four, and until such persons as may be arrested by such conductor or motorman shall have been placed in confinement, or delivered over to the custody of some other conservator of the peace or police officer; and, acting in good faith, he shall be, for the purposes of this act, the judge of the race of each passenger, whenever such passenger has failed to disclose his or her race.

§46. No company, corporation, person, conductor, manager or motorman shall in any case be liable for damages to any one for any lawful act done in the enforcement of the provision of sections forty-one, forty-three, forty-four, and forty-five of this chapter.

§47. The provisions of sections forty-one, forty-three and forty-four shall not apply to employees engaged in conducting, managing or operating said train, cars or coaches, nor to persons employed as nurses, nor officers in charge of prisoners or lunatics.

2. All acts or part of acts inconsistent herewith are hereby repealed.

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CHAP. 92.—An ACT to amend and re-enact an act entitled an act to establish a normal school at William and Mary college in connection with its collegiate course, approved March 5, 1888, and to transfer the ownership of the real estate and personal property of the said college to the State.

Approved March 7, 1906.

Be it enacted by the general assembly of Virginia, That an act entitled "an act to establish a normal school at William and Mary College, in connection with its collegiate course," approved March fifth, one thousand eight hundred and eighty-eight, be amended and re-enacted to read as follows:

Whereas it is represented that William and Mary College is desirous of establishing and maintaining in connection with its collegiate course a system of normal instruction and training, so as to prepare white male teachers for the public free schools of the Commonwealth, and is unable

to do so because of the inadequacy of its resources, and is desirous of transferring to the ownership and control of the State, for educational purposes, all its real estate and personal property; therefore to aid the college in the purposes aforesaid, but subject to such conditions and restrictions as are herewith mentioned,

1. Be it enacted by the general assembly of Virginia, as follows: That the said college shall establish in connection with the collegiate course, which shall be maintained, a system of normal instruction and training for the purpose of educating and training white male teachers for the public free schools of the State.

2. That the board of visitors shall consist of ten members, to be appointed by the governor from the State at large, and by and with the consent and advice of the senate, to hold office for a term of four years: provided, that at the first appointment five of the members shall be appointed for the term of two years, and five for the term of four years; and the said board shall control and expend the funds of the college and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the said college, appoint the president and all professors, teachers and agents, and fix their salaries, and generally direct the affairs of the college.

3. The superintendent of public instruction shall also be a member of the board of visitors ex-officio; and any vacancy in said board that shall be caused by death, resignation or otherwise, shall be filled by the governor, by and with the consent of the senate.

4. The said board shall be, and is hereby, constituted a corporation under the style of "the College of William and Mary in Virginia," and shall be vested with all the rights and powers conferred by the provisions of this act and by the ancient royal charter of the college, in so far as the same are not inconsistent with the provisions of this act and the general laws of the State, and shall also have the right to confer degrees; and it is hereby enacted that all the real estate and personal property of the college, now existing and standing in the name of the corporate body designated "the president and masters or professors of the College of William and Mary in Virginia," shall be transferred to and known and taken as standing in the name and to be under the control of the board of visitors constituted under this act, the corporate body designated "the College of William and Mary in Virginia," and be and become the property of the State of Virginia.

5. The board of visitors shall prescribe rules for the examination and admission of the pupils applying for normal instruction, and shall require each pupil to give satisfactory assurance of his intention and willingness to teach in the public schools of the State for at least two years after leaving said institution, and each of said pupils shall have, free of charge for tuition, the privileges of the collegiate course.

6. Each county and city in the State shall be entitled to one pupil, who shall be nominated by the division superintendent of schools, and if any vacancy occurs it shall be filled from the State at large by the board of visitors, and each county and city in the State shall also be entitled to one additional pupil for each additional representative in the house of

delegates above one, to be appointed in a similar manner. 'The said pupil so appointed shall be exempt from tuition fees, and the charge for their board, washing, lights, and fuel, shall not exceed the sum of twelve dollars per month.

7. This act shall not become effective until and unless the board of visitors of the college and the president and masters or professors of the College of William and Mary in Virginia shall, within thirty days after the approval of the same by the governor, pass a resolution accepting its provisions and file in the office of the secretary of the Commonwealth a copy of said resolutions, certified by their respective secretaries; and said last named corporation is hereby authorized and empowered to convey by proper deed to said "College of William and Mary in Virginia" all real estate or interest therein owned by it, and to transfer its personal property.

8. All acts or parts of acts inconsistent with this act are hereby repealed.

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CHAP. 93.—An ACT to authorize the school board of Tanner's Creek magisterial district, No. 6, of the county of Norfolk, to borrow money for the purpose of school improvements in said district, and to issue bonds therefor, not exceeding \$30,000 in amount.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, 'That the school board of Tanner's creek magisterial district, number six, of the county of Norfolk, be authorized and empowered to borrow money not to exceed the sum of thirty thousand dollars, the same to be used for school improvements in said district.

2. That the said school board may issue bonds not to exceed the said sum of thirty thousand dollars; the said bonds to be in denominations of five hundred dollars and one thousand dollars, to bear interest not to exceed five per centum per annum, payable semi-annually, with interest coupons thereto attached, and the principal thereof to be paid fifteen years after the date thereof, and to be a lien upon all the school property of said school district number six, of the county of Norfolk. The said school property shall be pledged for the payment of the principal and interest thereof, according to their tenor and date, and the said bonds shall be in the form following:

Know all men by these presents, that the school board of Tanner's creek magisterial district, number six, of the county of Norfolk, in the State of Virginia, is justly indebted to \_\_\_\_\_, or bearer, in the sum of \_\_\_\_\_ dollars, redeemable fifteen years after date hereof, and bearing interest at the rate of five per centum per annum from date, payable semi-annually on surrender of the proper coupons hereto attached, until payment of the principal sum. In testimony whereof the said school board of Tanner's creek magisterial district, number six, of the county of Norfolk, has caused the corporate seal of the same to be affixed, and these presents to be signed by its chairman, and attested by its clerk, this the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

3. That in making sale of the said bonds that shall be issued in accordance with the provisions of this act, at no time shall the said bonds be sold for less than their par value. And the said school board shall provide for the payment of the accruing interest, and also for the principal of said bonds, in such a manner and by such means as it shall deem necessary.

4. The said bonds may be issued and sold by the said school board for the purpose of raising said sum of money, or any part thereof, only for the purpose hereinbefore set out.

5. The necessity of raising money for the purposes of school improvements in this district, creates emergency, and this act shall be in force from its passage.

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CHAP. 94.—An ACT to authorize the school board of Western Branch magisterial district, No. 6, of the county of Norfolk, to borrow money for the purpose of school improvements in said district, and to issue bonds therefor, not exceeding \$50,000 in amount.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of Western Branch magisterial district, number one, of the county of Norfolk, be authorized and empowered to borrow money, not to exceed the sum of fifty thousand dollars, the same to be used for school improvements in said district.

2. That the said school board may issue bonds not to exceed the said sum of fifty thousand dollars; the said bonds to be in denominations of five hundred dollars and one thousand dollars, to bear interest not to exceed five per centum per annum, payable semi-annually, with interest coupons attached thereto, and the principal thereof to be paid twenty years after the date thereof, and to be a lien upon all the school property of said school district number one, of the county of Norfolk. The said school property shall be pledged for the payment of the principal and interest thereof, according to their tenor and date, and the said bonds shall be in the form following:

Know all men by these presents, that the school board of Western Branch magisterial district, number one, of the county of Norfolk, in the State of Virginia, is justly indebted to \_\_\_\_\_, or bearer, in the sum of \_\_\_\_\_ dollars, redeemable fifteen years after date hereof, and bearing interest at the rate of five per centum per annum, from date, payable semi-annually on surrender of the proper coupons hereto attached, until payment of the principal sum. In testimony whereof the said school board of Western Branch magisterial district, number one, of the county of Norfolk, has caused the corporate seal of the same to be affixed, and these presents to be signed by its chairman, and attested by its clerk, this the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

3. That in making sale of the said bonds that shall be issued in accordance with the provisions of this act at no time shall the said bonds



be sold for less than their par value. And the said school board shall provide for the payment of the accruing interest, and also for the principal of said bonds, in such a manner and by such means as it shall deem necessary.

4. The said bonds may be issued and sold by the said school board for the purpose of raising said sum of money, or any part thereof, only for the purpose hereinbefore set out.

5. The necessity of raising money for the purposes of school improvements in this district creates emergency, and this act shall be in force from its passage.

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CHAP. 95.—An ACT to amend and re-enact section 3140 of the Code of Virginia, as heretofore amended, in relation to who are exempt from jury service.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and forty of the Code of Virginia, entitled "who are exempt," be amended and re-enacted so as to read as follows:

§3140. Who are exempt.—The governor and lieutenant-governor of the State, practicing attorneys, licensed practicing physicians, registered pharmacists, where at any pharmacy only one such pharmacist is employed, officers of any court, telegraph operators actually employed as such, all pilots licensed under the laws of the United States or of this State, active members of the fire department of a city or town, and the active officers and active members of any fire company therein, not exceeding one hundred members in any one company, the vice-president of the United States, the members of both houses of congress and their respective officers, but only while such houses of congress are actually in session, all custom-house officers, with their clerks, all postmasters, post-officers, post-riders, and stage-drivers, and all other persons employed in the care and conveyance of the mails of the United States, all mariners actually employed in the service of any citizen or merchant within the United States, the secretary of the Commonwealth, the attorney-general, the treasurer, the two auditors, register of the land office, members, officers, and clerks of the State corporation commission, the commissioner of agriculture, and superintendent of public instruction, and their respective clerks, the doorkeeper of the executive, the clerks of both houses of the general assembly, the judge of any court, all professors, tutors, and pupils of public seminaries, while such public seminaries are actually in session, all ministers of the gospel licensed to preach according to the rules of their sect, keepers of the county and corporation jails, superintendents and servants of the public hospitals and lunatic asylums, superintendent of penitentiary, his assistants, and the persons composing the guard, one cashier and two tellers of the several banks established by law, the police in the cities and towns, the tipstaff and crier of the court of appeals during its sitting, all millers actually employed in the mechanical operation of any grist mill, all ferrymen necessarily and personally employed in or at any ferry established by law, the six lock-keepers of the

Dismal Swamp canal company, and the active members of the Virginia volunteers, including all officers, commissioned and non-commissioned, together with the contributing members of said volunteer companies, who have contributed not less than twenty-five dollars per annum, shall be exempt from serving on juries in civil and criminal cases, and the citizens of Tangier, Syxas and Chincoteague islands, in the county of Accomac, and Hogg's and Cobb's islands, in the county of Northampton, shall be exempt from jury service, except service on grand juries. But to entitle the active officers and active members of the Virginia volunteers, as well as such contributing members of said volunteer companies, or the active officers and members of a fire department, not exceeding one hundred members of any one company, to this exemption, the captain or chief officer of any company of the Virginia volunteers, or of such department shall, annually, on the first day of May, furnish to the clerk of the circuit court of the county or corporation court of the corporation wherein such company or department is, a list containing the name of each active officer and active member of his company of Virginia volunteers, or the name of each active officer and active member of his department, and, where there are contributing members to his company, the name of each contributing member who has for the preceding year contributed not less than twenty-five dollars shall be likewise furnished. And in the event of an officer or member having joined said Virginia volunteers, since said list was delivered to the clerk, a certificate of membership in volunteer company, signed by said chief officer, shall also exempt such members from jury service.

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**CHAP. 96.**—An ACT authorizing and empowering the several cities of this Commonwealth to condemn property and conferring the power of eminent domain for the purpose of acquiring water sheds for the several cities and the necessary lands for laying water pipes, etc.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That the several cities of this Commonwealth be, and they are hereby, authorized and empowered to condemn such lands or rights as may be necessary for providing water sheds for use of said cities and for the necessary lands or rights for laying water pipes from same: provided, that such condemnation shall be done in the mode prescribed by law for the condemnation of land by water companies.

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**CHAP. 97.**—An ACT to repeal an act entitled "an act authorizing the circuit judge of Bath, Highland, Rockbridge, and Alleghany to appoint inspectors of all outdoor platform scales and weights used in weighing live stock, farm products, or other things in said counties, and providing compensation therefor," approved February 28, 1898, in so far as the provisions thereof apply to the county of Highland.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That the provisions of an act entitled "an act authorizing the circuit judge of Bath,

Highland, Rockbridge, and Alleghany to appoint inspectors of all outdoor platform scales and weights used in weighing live stock, farm products, or other things in said counties, and providing compensation therefor," approved February twenty-eight, eighteen hundred and ninety-eight, be, and the same are hereby, repealed as to the county of Highland.

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CHAP. 98.—An ACT to amend and re-enact an act entitled "an act to provide for the election of justices of the peace, and their jurisdiction, in cities in which, by the terms of their charters, no provision is made for the election of justices of the peace," approved January 2, 1904, so as to provide for the appointment of additional justices when necessary.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to provide for the election of justices of the peace, and their jurisdiction, in cities in which, by the terms of their charters, no provision is made for the election of justices of the peace," approved January second, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§1. Be it enacted by the general assembly of Virginia, That in every city of this Commonwealth in which, by the terms of its charter, no provision is made for the election of justices of the peace, there shall be elected by the qualified voters of each ward of such city, one justice of the peace, who shall hold office for the term of four years, and until his successor is elected and qualified, unless sooner removed from office. The said justices shall be conservators of the peace within the corporate limits of the cities for which they are respectively elected, and within one mile beyond the corporate limits thereof, and within such limits shall possess the jurisdiction and exercise the powers conferred upon justices of the peace under the laws of this Commonwealth, except that nothing herein contained shall be construed as vesting in such justices any portion of the jurisdiction given by law to police justices of the cities of this Commonwealth: provided, however, that whenever the corporation court or the city court of any such city, or the judge thereof in vacation, shall be of the opinion that the public service requires a greater number of justices in any ward of any such city than the number specified in this act, and shall so enter of record and designate the number of such additional justices, notice thereof shall be published in every such ward, and at the next succeeding general election for justices, such additional justices shall be elected in the mode prescribed for the election of justices of any such ward, or wards, and continue to be elected at each succeeding general election of justices until otherwise ordered by the court. And it shall be lawful for the said court to appoint justices to serve until such additional justices are elected and qualified. Such justices, whether elected or appointed, shall qualify as now prescribed by law as to the qualification of justices of the peace. The said court may, in its discretion, revoke the order requiring such additional justices, such revocation to take effect at the expiration of the term of such justices.

2. The public service in the cities of the class mentioned in this act requiring the immediate appointment of additional justices, an emergency exists for the immediate operation of this act, and therefore the same shall take effect from and after its passage.

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CHAP. 99.—An ACT to authorize the council of the town of Edinburg to issue bonds and to borrow money for the purpose of establishing a system of water works for said town, and for other purposes.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the council of the town of Edinburg, in the county of Shenandoah, State of Virginia, to issue bonds of the said town, not to exceed in the aggregate the sum of twenty-five thousand dollars, in order to establish a system of water-works in said town, and meet all expenses connected therewith; to contract or agree with the owners of any land for the use or purchase of lands for the purposes thereof, or to have the same condemned according to law, within or without the limits of the said town, for the location or extension and enlargement of their said works, the pipes connected therewith, or any appurtenances or fixtures thereof, and shall have power to protect from injury, by ordinances prescribing adequate penalties, the works, pipes, fixtures and land, or anything connected therewith, as may be determined by council of said town of Edinburg.

2. The bonds so issued shall be thirty-year coupon bonds, of the denomination of one hundred and five hundred dollars each, numbered and registered or payable to bearer, signed by the mayor and attested by the secretary of said town, and shall bear interest at a rate not exceeding six per centum per annum, payable annually, and shall be redeemable at any time after the expiration of twenty years, at the option of the said town; the bonds to be redeemed to be designated by lot.

3. The bonds issued under this act shall not be sold for less than par.

4. That the council of said town shall have the right to issue bonds, as aforesaid, with the consent of the people expressed by a majority vote of the legally qualified voters of the said corporation, ascertained by a special election to be held in such manner as the said council shall prescribe after the passage of this act, such special election to be governed and regulated by the general laws regulating special elections. The result of said election shall be spread upon the minutes of the council of the town of Edinburg, and shall constitute a basis for the issuance of the said bonds of the said town.

5. An emergency existing that the election be held for the purposes set forth in this bill, as soon as practicable, this act shall take effect from its passage as an emergency act.

CHAP. 100.—An ACT to authorize the school board of Brookland district, No. 1. of the county of Henrico, to borrow a sum of money not exceeding \$15,000. for the purpose of paying for the erection of a school building at Barton Heights, in said district, to issue bonds therefor, payable out of the school funds of said district, and to provide for the payment of the same.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of Brookland district, number one, of the county of Henrico, Virginia, be, and the same hereby is, authorized to borrow a sum of money not exceeding fifteen thousand dollars for the purpose of paying for erection of a school building at Barton Heights, in the said district, and to issue bonds therefor, payable out of the school funds of said district.

2. The school board of said district shall issue its bonds in the denomination of five hundred dollars each for the money borrowed, and such bonds shall run thirty years, with the right in said school board to pay them, or any of them, at any time after six years, and shall bear interest not exceeding the legal rate. Such bonds shall be signed by the chairman and attested by the clerk of the said school board, and shall be countersigned by the chairman of the board of supervisors of Henrico county and sealed with the county seal and attested by the county clerk.

3. Until the bonds are paid there shall be set aside annually, for a sinking fund, such sum as will be sufficient to pay the debt hereby authorized at maturity. Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said district school board may, with the approval of the division superintendent of schools for said county, select.

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CHAP. 101.—An ACT to authorize the board of supervisors of Botetourt county to deposit, or invest, the sinking fund provided for the purpose of paying off the bonds of said county, and to collect and reinvest the same and the interest accruing thereon, so often as may be necessary or expedient, until said bonds become payable, or subject to call.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Botetourt county be, and it is hereby, authorized and empowered to apply any or all part of the sinking fund collected for the purpose of paying off the bonds of said county to the payment or purchase, at such price as it may deem expedient, of said bonds at any time; and all bonds so paid off or purchased by said board of supervisors shall be immediately cancelled, and shall not be reissued. And said board of supervisors is authorized and empowered to deposit in bank at interest, or to invest in State bonds or other securities all other accumulations of money to the credit of said sinking fund, provided as aforesaid for the payment of the bonds of Botetourt county, and to collect and reinvest the same and the interest accruing thereon from time to time, so often as may be necessary or expedient, until said bonds become payable or subject to call.

2. The treasurer of said county shall invest or deposit said sinking fund when ordered to do so by said board of supervisors, taking such securities or other evidences thereof as he shall be directed by said board to take; and he shall collect said deposits or investments when ordered to do so by the said board, but he shall receive no additional compensation from the said board or county for any services hereunder.

3. In order that the said sinking fund, a large amount of which is now in the treasury of said county, may become immediately available under this act, this is declared to be an emergency act, and shall be in force from its passage.

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CHAP. 102.—An ACT to amend and re-enact sections 3, 6, and 9, and to repeal sections 8 and 12 of the act approved February 16, 1901, which is chapter 331 of the acts of the special session of 1901, concerning the roads in Montgomery county.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That sections three, six, and nine of the act concerning the roads in Montgomery county, which is chapter three hundred and thirty-one of the acts of the special session of nineteen hundred and one, be amended and re-enacted so as to read as follows:

§3. It shall be the duty of said foreman to oversee and to direct his force of hands in performance of their duty, and in addition to such overseeing and direction shall also perform such manual labor as he imposes upon his hands. The road foreman shall employ as many hands and teams as shall be necessary to keep his roads in such repair as may be prescribed by the commissioner of roads. The board of supervisors shall from time to time, after consultation with the road commissioners of each district, prescribe the prices to be paid to road foreman and hands, and for teams, wagons, plows, and other utensils which may be required for road work. The road foreman shall keep a strict itemized account, on forms provided for that purpose, of the time actually worked by himself and his hands, and render an account of the same to the road commissioners at such times as they may require, and at least every six months, making affidavit to the correctness of said account before some officer; the road commissioners shall examine carefully said account, and if found to be correct, approve the same and report it to the meeting of the board of supervisors fixed for auditing road claims, and when so presented and approved the board shall allow said claims and issue warrants to each person entitled to pay for the amounts due them, respectively.

§6. Roads shall be established, altered, discontinued, and bridges built as the general road law of the State may provide for such matters, and the board of supervisors shall determine by what districts and in what proportion the expenses shall be paid. All proceedings now pending in the circuit court for Montgomery county for the establishment or alteration of roads or the building of bridges shall be proceeded with to final determination, as would have been done if this act had not been passed.

When a road is established or ordered the county clerk shall record the

report in full, together with the surveyor's report, in a well-bound book kept for that purpose, and index the same, for which he shall receive the same rate of fees that he would for recording a deed.

For every failure to record and index a report within sixty days from the time the order establishing or ordering the road is entered he shall be fined not less than ten dollars nor more than fifty dollars for each offense.

§9. All costs attending application for opening or altering roads or building bridges shall, when the petitioners do not prevail, be at the cost of the applicant, and upon the final disposition of the application the county clerk shall be directed to tax the costs and issue execution therefor as upon the judgment of a court, and he shall do so where the road is established or ordered or the bridge directed to be built. The cost attending the application shall be paid out of the road fund.

2. Sections eight and twelve of said act are hereby repealed.

3. It being represented that the passage of this act is necessary to enable the authorities to employ sufficient hands to work the roads, an emergency exists, and this act shall be in force from its passage.

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CHAP. 103.—An ACT to protect landlords against removal of crop by tenants until rents and advances are paid, and to prescribe punishment therefor.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person renting the lands of another, either for a share of the crop or for money consideration, to remove therefrom, without the consent of the landlord, any part of such crop until the rents and advances are satisfied.

2. Every such offense shall be deemed a misdemeanor, and shall be punishable by fine or imprisonment.

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CHAP. 104.—An ACT to repeal an act approved March 29, 1902, entitled "an act to authorize and empower the board of supervisors of Culpeper county to divide equally for road purposes, among all the magisterial districts of said county, the district road tax on and collected from the Southern railway company in and for Stevensburg, Catalpa, and Cedar Mountain districts, in said county."

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That an act approved March twenty-ninth, nineteen hundred and two, entitled an act to authorize and empower the board of supervisors of Culpeper county to divide equally for road purposes, among all the magisterial districts of said county, the district road tax on and collected from the Southern railway company in and for Stevensburg, Catalpa, and Cedar Mountain districts, in said county, be, and the same is hereby, repealed.

**CHAP. 105.—An ACT to appropriate the sum of \$850, or so much thereof as may be necessary, for the purpose of regilding frame, restoring and backing paintings of the battle of Yorktown and Thomas Jefferson, property of the State of Virginia.**

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That the sum of eight hundred and fifty dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the purpose of regilding frame, restoring and backing paintings of the battle of Yorktown and Thomas Jefferson. Said sum to be expended under the supervision and direction of the register of the land office.

2. For the purpose of preserving said paintings an emergency is hereby declared to exist for making this act immediately operative, and it shall therefore be enforced from the date of its passage.

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**CHAP. 106.—An ACT to provide for the election and compensation of a police justice for the city of Staunton.**

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That for the city of Staunton there shall be one police justice and no more. The said police justice shall be elected by the qualified voters of said city at the first regular election for municipal officers (other than for mayor and members of the city council) which shall be held after the passage of this act, and thereafter at every recurrence of such regular election.

2. Such police justice shall enter upon the duties of his office on the first day of January next following his election; he shall hold his office until his successor is elected and qualified, and he shall receive such compensation as may be provided by law.

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**CHAP. 107.—An ACT to provide for the issuing of county bonds for permanent road improvement in the magisterial districts of the counties of the State.**

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That bonds may be issued by any county for the purpose of macadamizing or otherwise permanently improving the public roads and bridges of any magisterial district in said county, upon the conditions hereinafter provided. The circuit court of the county, upon the petition of a majority of the board of supervisors of said county, may make an order requiring the judges of election, at the next election of county officers, or at any other time not less than thirty days from the date of such order which shall be designated therein, to open a poll and take the sense of the qualified voters of the



county on the question, whether the board of supervisors shall issue bonds for said purposes, or either of them; the location, length, and width of such roads as is proposed to be macadamized or permanently improved to be named in the order. The said order shall designate the magisterial district in which such road or roads lie, and the maximum amount of bonds to be issued, which shall in no case exceed an amount in excess of ten per centum of the total taxable values at the time in the magisterial district in which the road or roads or bridges are to be built or permanently improved. The qualified voters at any special election held under this act, until otherwise provided by general law, shall be those qualified to vote at the preceding general election, except those who by commission of crime or removal from the district or county have disqualified themselves to vote.

§19. The regular election officers of said county, at the time designated in the order authorizing the vote, shall open polls at the various voting places in the said county, and shall conduct such election and close the polls in such manner as is provided by law in other elections; and at said election each qualified voter who shall approve such issue of bonds shall deposit a ticket or ballot on which shall be written or printed the words, "For bond issue," and each qualified voter who shall oppose such issue of bonds shall deposit a ticket or ballot whereon shall be written or printed, "Against bond issue."

The judges of election at the several voting places shall, immediately after the closing of the polls at each of the said places, count the ballots deposited, and shall within two days after said election make returns thereof as is provided in other elections: provided, that no voter shall be allowed to vote in said election who resides and is a voter in a town exempt from road tax.

§20. The commissioners of election of said county shall, within two days after the judges of election have made returns of the poll books and ballots as aforesaid, meet at the office of said clerk, and, having taken an oath before him faithfully to discharge their duties, canvass the returns and certify the results thereof to the circuit court.

§21. If it shall appear by the report of the commissioners that a majority of the qualified freeholders of the said district voting at said election, and that a majority of the qualified voters of the county voting upon the question, and also that a majority of qualified voters of the district voting on the question at said election, in which the road or roads or bridges are to be built or permanently improved, are in favor of issuing the bonds for the purpose aforesaid, the circuit court shall at its next term enter of record an order requiring the supervisors of the county to proceed at their next meeting to carry out the wishes of the voters as expressed at the said election.

§22. Whenever the sense of the qualified voters of the said county shall be taken on the question whether the board of supervisors shall issue bonds for the purpose aforesaid, the said election and returns shall be subject to the enquiry, determination, and judgment of the circuit court of the county in which such election was held, upon the written complaint of fifteen or more of the qualified voters of such county of an

undue election or of false return, two of whom shall take an oath that the facts set forth in such complaint are true to the best of their knowledge and belief, and the court shall, in judging of such election and returns proceed upon the merits thereof and determine concerning the same according to the Constitution and laws of this State, and such complaint shall not be valid unless it shall have been filed within thirty days after the said election in the clerk's office of the said circuit court.

The board of supervisors shall be made a defendant by summons or notice to its chairman of the filing of the complaint, and after such service of notice on the chairman of the board of supervisors, either party upon reasonable notice to the other shall be at liberty to take depositions to sustain or invalidate such election. Service of notice on any three of the complainants shall be sufficient. The court shall proceed at its next term after service of such summons or notice to determine the contest without a jury on the evidence, oral or written, unless good cause be shown for a continuance, and shall make a proper record of its judgment. If the judgment be that the election is a valid one in favor of issuing bonds, the court shall make an order in conformity with the preceding section.

§23. The board of supervisors, at their next meeting, or as soon thereafter as practicable, shall determine what amount of bonds, not exceeding the maximum aforesaid, shall be issued, and shall enter of record the amount so determined. They shall have power to appoint an agent or agents to negotiate a loan or loans, or to sell said bonds: provided, said bonds shall be paid for in lawful money, and shall not be sold at a price that will net the county less than their par value. When such a loan has been negotiated, or bonds sold, the board of supervisors shall issue said bonds, which may be either registered or with coupons attached, as said board of supervisors may prescribe; and shall have written or printed in said bonds the following sentences: "These bonds are issued for ——— magisterial district, and a tax is to be levied upon the property of said district to pay the interest on them and to create a sinking fund sufficient in amount to pay them upon maturity." Said bonds shall be signed by the chairman and countersigned by the clerk thereof; shall be in denominations of one hundred (\$100) dollars, or some multiple thereof; shall bear interest at the rate not exceeding five per centum, payable annually at the office of the treasurer of said county, and shall be payable not exceeding thirty-four years from the date thereof at said office; but may, in the discretion of said board, be made redeemable at such time or times, or after such period or periods, as the said board may prescribe and stipulate upon the face of the bonds when issued. The board shall deliver them to the treasurer of its county, who shall deliver said bonds upon the payment of the price thereof. The said treasurer and his sureties shall be liable for the amount received for said bonds as though it were a county levy, and said funds shall be expended for the purposes and in the magisterial district for which it was intended, and none other. The said treasurer shall receive as compensation for his services hereunder a commission of one-fourth of one per centum on the amount thus coming into his hands.

§24. After issuing such bonds, or any of them, when the next levy is made, or tax imposed in said county, a tax shall be levied on all property liable to State tax in such magisterial district in which the proceeds of the bonds have been or are to be expended, to pay the interest on the bonds so issued, and to create a sinking fund to redeem the principal thereof at maturity; and from year to year said levy or assessment shall be made until the debt and interest are paid, which levy shall not exceed ninety cents in the hundred (\$100) dollars of taxable property within the said magisterial district of said county; the amount levied for and set apart as a sinking fund, and the interest accruing thereon shall be used for the payment of the principal of said bonds, and for no other purpose. Should for any reason the county in any way have to assume any payment on account of said bond issue, either interest or principal, it is hereby provided that the board of supervisors shall levy such tax in said magisterial district as may be necessary to repay the amount assumed by the county.

The board of supervisors are hereby authorized and empowered to apply any part or all of said sinking fund to the payment or purchase of any of said bonds at any time, and all bonds so paid off or purchased by said board of supervisors shall be immediately cancelled and shall not be reissued, and the board of supervisors are authorized and empowered to lend out, upon real estate security, the loan not to exceed fifty per centum of the assessed value of such real estate, or deposit in bank at interest, all accumulations of money to the credit of said sinking fund provided as aforesaid, and to collect and reinvest the same and the interest accruing thereon from time to time, so often as may be necessary or expedient, until such bonds become subject to call: provided, that no money to the credit of said sinking fund shall be loaned out or deposited or invested by the said board of supervisors, unless said loan, deposit, or investment shall be first approved by the circuit court of said county, or the judge thereof in vacation, and the form of the security be examined and approved by the Commonwealth's attorney of said county, which approval shall be entered of record in the order book of the said court.

§25. When the said county wishes to redeem any of its outstanding bonds, subject to call, issued under the provisions of this act, it may through the chairman of the board of supervisors give notice of its readiness to do so to the holder in person, or by publication thereof once a week for two successive weeks in a newspaper published in said county, or nearest thereto. It shall be sufficient in the notice to give the number and amount of each bond and fix a day for its presentation for payment, which shall not be less than ten days from the date of personal service of the notice, or the completion of the publication thereof, as the case may be.

If the bond be not presented on the day fixed for its redemption, interest thereon shall cease from that day.

§26. The board of supervisors, or when there are road boards, the said road boards of the counties shall apply to the State highway commissioner for or shall employ a competent road engineer to make plans and specifications, or cause the same to be made, of all roads to be built or perma-

nently improved, from the proceeds of such bond issue, and to supervise the building of same, and shall let the work to contract to the lowest responsible bidder, after due public access to the specifications and due public advertisement for bids for at least four weeks in a newspaper or newspapers of general circulation in Virginia, when it can get satisfactory bids, and shall require contractors to furnish good and sufficient bonds for faithful performance of contracts, and fifteen per centum of the contract price shall be reserved until the work is completed and five per centum until one year after the completion of the work. The said contractors shall conform to all reasonable regulations and directions of the aforesaid engineer, boards of supervisors, or road boards.

The board of supervisors shall have no power to expend the money derived from the bond sales as aforesaid except to pay for work done under supervision and contract as aforesaid.

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CHAP. 108.—An ACT to amend and re-enact an act to provide for creating, working, and maintaining public roads in Fairfax county, and defining the boundaries of the same, approved March 14, 1904.

Approved March 8, 1906.

1. Be it enacted by the general assembly of Virginia, That the improvement, maintenance, construction, and all other administrative control of all the roads in Fairfax county, are hereby vested in a county road board of seven members, consisting of the county surveyor as member and ex-officio chairman, and of the six road commissioners hereinafter named and provided. The county road board shall be a body politic and corporate, and may sue and be sued. The word as herein used shall be held to include all public roads, thoroughfares, turnpikes, highways, and the bridges thereon.

2. Each of the six magisterial districts of Fairfax county, exclusive of organized incorporated towns, shall constitute a road district, and shall have a road commissioner, who shall be a freeholder and registered voter, residing within the geographical limits of such district. Each road commissioner shall be elected by the qualified voters of their respective magisterial districts at the regular election immediately preceding the expiration of the terms of office of their predecessors; shall qualify before the clerk thereof, and shall hold office for a term of three years, or an unexpired portion thereof, or until his successor qualifies, but it is now provided that D. S. Beach, from Lee magisterial district; R. L. Harrison, from Dranesville magisterial district; R. H. Shepherd, from Mount Vernon magisterial district; Henry M. Byrne, from Falls Church magisterial district; E. M. Pitman, from Centreville magisterial district, and D. B. Elgin, from Providence magisterial district, heretofore appointed and qualifying as road commissioners from said magisterial districts, pursuant to the provisions of section three of the act approved May twentieth, nineteen hundred and three, entitled "an act to amend and re-enact chapter seventy-three of the acts of the general assembly of Virginia, ap-

proved April twenty-eighth, eighteen hundred and eighty-seven, entitled an act to amend an act for working the public roads of Fairfax county, as amended by acts approved February seventeenth, eighteen hundred and ninety, February twenty-second, eighteen hundred and ninety, February twentieth, eighteen hundred and ninety-six, February second, eighteen hundred and ninety-eight, and January twenty-fourth, nineteen hundred, are recognized and are now confirmed as such, and shall and do now constitute the first six road commissioners under this act, to serve as follows: E. M. Pitman and R. H. Shepherd, till the first day of January, nineteen hundred and five; E. B. Elgin and Henry M. Byrne, till the first day of January, nineteen hundred and six, and R. L. Harrison and D. S. Beach, till the first day of January, nineteen hundred and seven.

3. The clerk of the county, or his deputy, shall act as clerk of the county road board, and shall preserve in his office records of all proceedings, including all expenditures authorized, and plats of all roads as they may from time to time be defined, and shall receive therefor such compensation as may be fixed by the said county road board.

4. The county treasurer shall disburse all road funds on the warrant of the ex-officio chairman of the county road board, when such chairman is properly bonded, and for collecting and disbursing shall receive such compensation as shall be fixed by the board of supervisors. He shall at stated periods advise the county road board of the condition of the road fund. No warrant shall, without the written authority of the board of supervisors, be drawn in excess of available road funds.

5. The county road board shall hold an annual meeting in January of each year, and such other regular and special meetings as may be necessary. It shall at least once each year recommend to the board of supervisors levies for road purposes. It shall classify the roads of the county, adopt economical, progressive, and uniform standards for the construction and maintenance of each class, authorize and scrutinize expenditures of the road funds, make special inspections of the roads, and at least once a year examine the accounts of its chairman, with his vouchers, and audit the same. These accounts shall be certified to the board of supervisors, who shall again audit, and then publish in full in a county newspaper.

6. The chairman of the county road board shall preside at its meetings, call special meetings when necessary, prepare plans, estimates and specifications, make frequent inspections of all the roads and of all work being done, do all the surveying and engineering necessary for road work, including surveying of proposed roads, and perform such other duties in connection with the roads as the county road board may direct. He shall receive therefor such compensation as may be fixed by the board of supervisors. He shall, at the expense of the county, give bond before the circuit court for the faithful performance of his duties in such sum as may be fixed by the board of supervisors. But it is now provided that the bond for fifteen thousand dollars, given by Joseph Berry, county surveyor, together with the Fidelity and Deposit company of Maryland, before the circuit court of Fairfax county, on June fifth, nineteen hundred and three, pursuant to section seven of the said act approved May twentieth, nineteen hundred and three, is now affirmed, and during the period

for which said bond was given, is now recognized as a sufficient compliance with the requirements of this section.

7. Each road commissioner shall, under the direction of the county road board, and of its chairman, have charge of the roads in his district. He shall make frequent inspections of the roads and of the work being done. He shall receive therefor, and for his duties as a member of the county road board, such compensation, not less than two dollars per day when actually employed, as may be fixed by the board of supervisors, for not to exceed one hundred days in each year.

8. As far as practicable, all road work shall be let by contract by the county road board after a public opening of sealed proposals, invited by public notice; and all works shall be carefully inspected by the chairman or by the commissioner of the district affected.

9. New roads in the districts herein created may be opened, and existing roads may be closed, widened, changed or defined by order of the circuit court for Fairfax county, as provided by general road law, except when the same is in conflict with this act. All applications in reference to roads shall be referred to the county surveyor and two members of the road board, to be selected by said county surveyor, in the place and stead of viewers under section nine hundred and forty-five of the Code of eighteen hundred and eighty-seven, who shall report to the court, as provided by sections nine hundred and forty-seven and nine hundred and forty-eight of said Code, and the proceedings on said report shall be as provided by sections nine hundred and forty-nine, nine hundred and fifty, nine hundred and fifty-one, nine hundred and fifty-three, nine hundred and fifty-four, and nine hundred and fifty-five. When the court decides in favor of establishing or altering any road or landing, before ordering the road or alteration, or making any order involving the expenditure of any money by the said road board for the county, it shall finally determine the amount of expenditure to be made, and by its order set forth the same in detail and certify the same and all papers to the said road board. The said road board shall determine by a recorded vote whether or not the expenditure shall be made by it, and unless a majority of the members present shall vote in favor of the same, the expenditure shall not be made. So soon as the board has acted it shall cause its action to be certified to the court, and if a majority of the members present are in favor of the expenditure the court shall direct the said road board to proceed with the work, otherwise the court shall not direct the work to be done. No reference in the matter shall be made to the board of supervisors. No new road shall be opened less than thirty feet wide. All road cases now pending in the circuit court of Fairfax county in which no order has been made directing the expenditure of road money for the cost of opening, land damages, or costs, shall, before any such order is made involving the expenditure of any of the road fund, be referred by said court to the road board in accordance with the provisions of this section for determination of said board whether the expenditure shall be made.

10. The said road board is hereby authorized to ascertain the boundaries of any public road in said county, to have made a diagram or plat of said road, and to erect suitable monuments to define the same. That

after three years from the date of the erection of such monument provided for in this section the boundaries of any such road shall not be brought in question in any proceedings, and at the expiration of such period the said road board shall have a diagram or plat of such road recorded in a book to be kept for that purpose. Whenever there is any controversy or uncertainty as to the existence or as to the limits or boundaries of any public road in Fairfax county, or any part thereof, the circuit court of said county shall have jurisdiction upon a bill filed by the county road board of said county as complainants against one or all or any intermediate number of the landowners whose interests may be involved or affected as defendants, to hear and settle any and all questions relating to the existence and limits and boundaries of such road, and to determine whether the same is in fact a public road, and what are the true limits and boundaries thereof, in whole or in part, and its decree shall bind those who are privies or parties to the proceedings. In any such case, when it is determined that a public road exists and what are the limits and boundaries thereof as aforesaid, the court shall direct that a diagram or plat showing the same be recorded in a book to be kept for that purpose, and the said road board shall cause the said limits and boundaries to be marked by suitable monuments.

11. The board of supervisors shall levy annually a district road tax of not less than twenty cents on the one hundred dollars' valuation of all taxable property, which, when collected, the county treasurer, upon the warrant of the ex-officio chairman of the county road board, shall disburse as hereinbefore provided. The road fund of each district shall be kept separate, and shall be applied exclusively in such district: provided, that each annual district fund in the proportion that it bears to the total annual road fund of the county and districts may be drawn upon for the expenses of the county road board, for the purchase of utensils for use in all of the districts, or for any expenditure the benefits of which are shared by all the districts: and provided, further, that the road fund in any district may in such proportion as may be fixed by the county road board, be drawn upon for its proportionate share of expenditure made jointly with an adjacent district.

12. The board of supervisors, after settling road accounts now outstanding, shall allot to the county board, and have placed to the credit of its ex-officio chairman with the county treasurer, such portion of the county levy as can be spared for road purposes; and also now and each year hereafter at least one-fourth of the general county levy shall be so allotted, and when collected so credited for road purposes; and, in addition, now and each year hereafter, such further amount from the said county levy as the board of supervisors, in its discretion, orders, can reasonably be spared from the balance to the credit of said county levy after the annual settlement with the county treasurer.

13. The commissioner of any district may take from any convenient land so much wood, stone, gravel, or earth as may be necessary to be used in the construction or repairing of any road, bridge or causeway therein. and may for the purpose of draining the road cause a ditch to be cut through any lands adjoining the same: provided, such wood and other

articles be not taken from, and such ditch be not cut through, any lot in a town, yard, or garden without the consent of the owner.

14. If the owner or tenant of any such lands shall think himself injured thereby, a justice, upon application, shall issue a warrant to three freeholders, requiring them to view the said land and ascertain what is a just compensation to such owner or tenant for the damage to him by reason of anything done under the preceding section. The said freeholders, after being sworn, shall accordingly ascertain such compensation and report the same, with the costs, to the county road board for payment. But if either the landowner or the road board are dissatisfied with the said award, they can have all papers filed with the clerk of the circuit court, who shall docket the same, and thereupon either party can file exceptions to said award, and for good cause shown the court can set the same aside and refer the matter to three other disinterested freeholders, who shall ascertain such compensation and report the same to the court, such report to be proceeded with in the same manner as before, and the amount finally determined upon shall be paid by the treasurer out of the road fund in his hands.

15. The offices of road superintendent, or road surveyor, or road overseer, and of road commissioners, except as herein provided and specified, are, for Fairfax county, hereby abolished. All records, books, utensils, and other road property shall be promptly turned over to the county surveyor. The county treasurer shall settle any outstanding road fund accounts in each district and place any balance due by same to the credit of the corresponding road district herein created.

16. All acts or portions of acts inconsistent with or rendered unnecessary by this act are hereby repealed.

17. This act is an emergency act, and takes effect from its passage.

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CHAP. 109.—An ACT to amend and re-enact an act entitled an act to establish a dispensary for the sale of intoxicating liquors in the town of Pulaski, in the county of Pulaski, Virginia; to prohibit all persons, firms, corporations to sell, barter, or exchange such liquor in said town, and to repeal all laws in conflict with this act so far as they apply to said town, approved March 8, 1904, so as to allow the council of said town to use any or all, that may be necessary, of the net profits accruing from said dispensary under said act for the purpose of enlarging and improving the present water and light plants of said town, or for the purpose of constructing new water and light plants, or for the purpose of redeeming any bonds or evidence of debt that may be hereafter issued by said town, for the purpose aforesaid.

Approved March 9, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to establish a dispensary for the sale of intoxicating liquors in the town of Pulaski, in the county of Pulaski, Virginia; to prohibit all persons, firms, corporations to sell, barter or exchange such liquors, in said town, and to repeal all laws in conflict with this act, so far as they apply to said town, approved March eight, nineteen hundred and four, be amended and re-enacted so as to read as follows:



§1. Be it enacted by the general assembly of Virginia, That on Saturday, the second day of July, nineteen hundred and four, there shall be held within the town of Pulaski, in the county of Pulaski, a special election, at which shall be submitted to the qualified voters of the said town the question of the establishment of a dispensary in the said town of Pulaski, as hereinafter provided, which said election shall be held and the returns thereof made, canvassed, and ascertained as provided by the general election laws of the State, except as modified by this act. The official ballots prepared and used at said election shall contain the words "for dispensary" and the words "against dispensary," and the voter desiring to vote for the establishment of said dispensary as provided by this act shall scratch out the words "against dispensary," leaving the words "for dispensary" unscratched; and the voter desiring to vote against the establishment of said dispensary as provided by this act shall scratch out the words "for dispensary," leaving the words "against dispensary" unscratched. The certificate of the judges and clerks of said election shall show the number of votes cast "for dispensary" and the number of votes cast "against dispensary," and the judges of election shall certify the results of said election to the judge of the circuit court of the county of Pulaski, in vacation, who shall order the same to be entered of record upon the law book of said court. And if at said election a majority of the voters voting thereat shall vote for the establishment of said dispensary, as provided by this act, then it shall be unlawful for any person, firm or corporation, in any capacity whatsoever, to sell, barter or exchange any spirituous, vinous, malt or intoxicating liquors of any kind in the said town of Pulaski on or after the second day of July, nineteen hundred and four, except as hereinafter provided, and any one violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not less than one month nor more than twelve months in the jail of said county, or such person may be punished by both fine or imprisonment, as aforesaid, in the discretion of the jury; and the subsequent sections of this act shall be in full force and effect; but if at said election a majority of those voting thereat shall vote against the establishment of said dispensary, as provided by this act, then the same shall not effect the general laws pertaining to the sale of intoxicating liquors.

Notice of said special election shall be given by publication at least once in some paper published in the said town and by hand bills posted in five or more public places in said town, and at least ten days before said election, anything in the general laws of the State to the contrary notwithstanding.

§2. The judge of the circuit court of Pulaski county, either in term or vacation, shall appoint from the citizens of said town of Pulaski three discreet citizens, one of whom shall be the mayor of the town of Pulaski or a member of its council, who shall constitute a dispensary board for the management of said dispensary. The term of office of said board shall be three years from the date of their appointment; should a vacancy occur in said board, the same shall be filled by the judge of the circuit court of Pulaski county.

Before entering upon the discharge of the duties of the office, the members of the board shall make oath that they shall well and truly carry out, to the best of their ability, all the provisions of this act.

The judge of the circuit court of Pulaski county shall have the right to remove either of the members of said board appointed by him, when in his judgment such member has violated his oath or been guilty of malfeasance in the office.

The duty of the chairman of said board shall be to audit and approve all the bills contracted by said board, and shall receive for his services the sum of fifty dollars per annum. The other members shall receive for their services the sum of twelve dollars per annum.

§3. It shall be the duty of said dispensary board to provide a suitable place for the sale of spirituous, vinous, malt and other intoxicating liquors at the said town, where such liquors shall be kept for sale under the direction of said dispensary board by a manager, who shall be appointed by said board, and who shall have charge of said dispensary subject to the control of said board; said manager shall be subject to dismissal at the pleasure of the dispensary board; he shall give bond in the sum to be fixed by said dispensary board, not less than five hundred dollars, for the faithful discharge of his duties and for the payment of all sums of money received by him to the treasurer of said town. He shall be paid a salary to be fixed by said dispensary board, not exceeding the sum of fifty dollars per month. It will be the duty of the manager to keep a register, on which shall be kept a record of the quantity sold, price paid, and date of sale.

§4. The manager of the dispensary shall at all times keep under the supervision of the dispensary board a stock of spirituous, vinous, and malt liquors in such quantities as the dispensary board shall direct, and all bills incurred for the establishment and maintenance of the dispensary and the purchase of stock from time to time shall be paid by the treasurer of the town of Pulaski out of moneys in his hands to the credit of said dispensary upon presentation of such bills, approved in writing by the chairman of the dispensary board, and said manager shall sell only for cash, and shall turn over all moneys received by him to the treasurer of the town of Pulaski once a week, and the said treasurer shall keep a separate account of the moneys so received and paid out by him, and he shall receive as compensation for receiving and paying out said money one per centum upon receipts.

§5. The said dispensary board shall from time to time make rules and regulations for the operation of said dispensary, but in no event shall wines and liquors be sold to any person known to be an habitual drunkard, to minors, or to persons intoxicated, except upon the prescription of a regularly licensed physician.

§6. The dispensary shall not be opened before sunrise, and shall be closed at sunset each day, and shall be closed on Sundays, election days, and under the same circumstances as make the sale of liquor unlawful under the laws of this State. The room in which said business shall be conducted shall front on some public thoroughfare, and shall have no other means of ingress or egress except the front door thereof.

§7. The price at which spirituous, vinous, and malt liquors shall be sold shall be fixed by the said dispensary board.

The manager of said dispensary shall sell to no person or persons any spirituous, vinous, or malt liquors except in sealed packages, and whenever any original package is broken it shall at once be bottled and sealed and the price labeled thereon. The said board shall appoint some reliable person to assist said manager whenever it shall become necessary to break any original package and bottle and seal the same, the duty of which person it shall be to see that all of such original packages are bottled in such size packages as may be suggested by the said manager, and securely corked and sealed and the price labeled thereon. The said manager shall at no time keep, or allow to be kept, any broken or unsealed packages of liquor in said dispensary, either for his own use or for the use of any other person or persons. The amount of liquor sold in said sealed packages in said dispensary shall in no case be less than one-half a pint or more than four gallons, and it shall be unlawful for the said manager or any other person to open any such package, or bottles, or to drink any liquor of any kind within such distance from the entrance to the dispensary that the said board may prescribe. Said manager shall make a monthly report to the dispensary board, showing the amount of purchases and sales in the preceding month, and the stock on hand on the last day of the month.

§8. Said dispensary board may in their discretion cause an inspection and analysis to be made of the stock on hand, from time to time, by a competent chemist, and no spirituous, vinous, or malt liquors shall be sold in said dispensary as are not known on the market as pure and unadulterated, and the said board may have the liquors purchased analyzed from time to time to ascertain if they are pure as represented. If any liquors are condemned by the chemist making the analysis as impure and unwholesome, such liquors shall not be sold at said dispensary, and the same shall be returned to the person from whom purchased and payment for same refused.

§9. No liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again, and said dispensary board is required to make such rules and require the manager to make such investigation as will, so far as practicable, prevent persons from so purchasing, and if the said board becomes satisfied that any person or persons have purchased, or are purchasing, liquor from said dispensary for the purpose of selling again, they shall direct the manager as to quantity to be sold to such person or persons, which shall be such an amount as will probably prevent a resale, and in case such board becomes satisfied that any person or persons are directly or indirectly purchasing repeatedly for the purpose of reselling, then the dispensary board is authorized to direct the manager not to sell to such person or persons, except upon the certificate of a reputable physician that such liquors are needed for medical purposes.

§10. The dispensary board shall have power to employ attorneys, agents, or detectives, to assist and aid in the detection and prosecution of any violation of this act; may borrow money necessary to conduct said dispensary, and shall have the power to do all other proper things not contrary to law, in order to carry out the true intent of this act.

§11. Any debt incurred by said dispensary board shall be upon the credit of said dispensary alone.

3. The manager of said dispensary shall not allow any person or persons to loiter in or about the said dispensary, and any person who is violating this provision and refuses to leave at the request of the manager shall be punished, upon conviction, in a justice's court as a misdemeanor, and shall be fined not exceeding five dollars.

§12. The dispensary board shall make and publish an annual report, showing in detail the amount of money expended in the purchase of liquors, the amount of money realized from the sale of liquors, the itemized expenses of said dispensary, salary paid manager, dispensary board, and all other moneys expended on account of said dispensary, and money received on account thereof.

§13. The net profits accruing from said dispensary under this act shall be disposed of in the following manner: One-eighth to the State of Virginia, and the balance to the said town of Pulaski, to build and keep in repair the streets, roads, sidewalks and bridges in said town, and to build new electric light or water plants in said town, or to improve, repair or enlarge the present light and water plants in said town, or to redeem any bonds or other evidences of debt that may hereafter be issued by the said town for the erection of electric light or water plants for the use of said town, or for the enlargement and improvement of the water and light plants now owned by the said town: provided, that the council of the said town of Pulaski shall appropriate and apply at least (\$5,000) five thousand dollars per annum for the redemption of said bonds or other evidences of debt, or for the creation of a sinking fund for the ultimate payment of the said bonds or other evidences of debt. Such distribution shall be made when ordered by the dispensary board, and at least once a year.

§14. Any person or persons who shall, directly or indirectly, keep or maintain by himself, or by associating or combining with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any clubroom or other place at which intoxicating liquors are received or kept for sale or distribution or division among members of any club or association, shall be guilty of misdemeanor and punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by confinement in jail of not less than one month nor more than twelve months, or both.

§15. All laws or parts of laws in conflict with this act are hereby repealed so far as they relate to the town of Pulaski, in Pulaski county, Virginia.

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CHAP. 110.—An ACT to amend and re-enact section 2844 of the Code of Virginia in relation to public holidays, as amended and re-enacted by an act entitled an act to amend and re-enact section 2844 of the Code of Virginia in relation to public holidays, approved February 28, 1890, as amended and re-enacted by an act entitled an act to amend and re-enact section 2844 of the Code of Virginia, approved February 5, 1892, as amended by an act entitled an act to amend and re-enact section 2844 of the Code of Virginia, in relation to public holidays, approved February 19, 1896, as amended and re-enacted by an act entitled an act to amend and re-enact section 2844 of the Code of Virginia, in relation to public holidays, approved April 2, 1902, as amended and re-enacted by an act entitled an act to amend and re-enact

section 2844 of the Code of Virginia, in relation to public holidays, approved July 28, 1902, as amended and re-enacted by an act entitled an act to amend and re-enact section 2844 of the Code of Virginia, in relation to public holidays, approved March 12, 1904, and to establish the entire day of every Saturday as a public holiday and a non-secular and non-business day as regards negotiable instruments, and as a half holiday as regards the transaction of business generally.

Approved March 9, 1906.

1. Be it enacted by the general assembly of Virginia, That section twenty-eight hundred and forty-four of the Code of Virginia, in relation to public holidays, as amended and re-enacted by an act entitled an act to amend and re-enact section twenty-eight hundred and forty-four of the Code of Virginia, in relation to public holidays, approved February twenty-eighth, eighteen hundred and ninety, as amended and re-enacted by an act entitled an act to amend and re-enact section twenty-eight hundred and forty-four of the Code of Virginia, approved February fifth, eighteen hundred and ninety-two, as amended and re-enacted by an act entitled an act to amend and re-enact section twenty-eight hundred and forty-four of the Code of Virginia, in relation to public holidays, approved February nineteenth, eighteen hundred and ninety-six, as amended and re-enacted by an act entitled an act to amend and re-enact section twenty-eight hundred and forty-four of the Code of Virginia, in relation to public holidays, approved April second, nineteen hundred and two, as amended and re-enacted by an act entitled an act to amend and re-enact section twenty-eight hundred and forty-four of the Code of Virginia, in relation to public holidays, approved July twenty-eighth, nineteen hundred and two, as amended and re-enacted by an act entitled an act to amend and re-enact section twenty-eight hundred and forty-four of the Code of Virginia, in relation to public holidays, approved March twelfth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§2844. Public holidays; when bills, notes, and soforth, otherwise presentable on any such holiday or on Saturday to be presentable.—The first day of January, the nineteenth day of January (known as Lee-Jackson day), the twenty-second day of February, the thirtieth day of May (Confederate memorial day), the fourth day of July, the first Monday in September (known as labor day), the Tuesday next following the first Monday in November (known as election day), the twenty-fifth day of December, and any day appointed or recommended by the governor of this State or the president of the United States as a day of thanksgiving or fasting and prayer, or other religious observance, are hereby designated and established, and shall be considered as public holidays, and every Saturday after twelve o'clock noon is hereby designated and established, and shall be considered, a half-holiday as to the transaction of all business, except as to the maturity, the presentment for acceptance or payment and the protesting of negotiable instruments, as hereinafter provided. Whenever the first day of January, the nineteenth day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, or the twenty-fifth day of December shall fall on a Sunday, the Monday next following shall be a public holiday, with the same effect as if the days above named, respectively, had fallen on the said

**Monday:** provided, however, that no contract made, instrument executed, or act done on any of said public holidays, or on any Saturday, whether before or after twelve o'clock noon, shall be thereby rendered invalid, and that nothing in this act contained shall be construed to prevent or invalidate the entry, issuance, service or execution of any writ, summons, confession, judgment, order or decree, or other legal process whatever, or the session or the proceedings of any court or judge on any of the said public holidays or Saturdays either before or after twelve o'clock noon; nor to prevent any bank, banker, banking corporation, firm or association from keeping their doors open and transacting any lawful business on any day of the said public holidays or Saturdays.

2. All days now or hereafter designated or established as public holidays in this State, and the entire day of every Saturday shall, for all purposes whatsoever as regards the maturity, the presenting for acceptance or payment and of protesting and giving notice of the dishonor of any bill of exchange, draft, check, negotiable note, or other negotiable instrument, made on or after the day on which this act shall take effect, constitute and shall be considered and treated as public holidays, and as non-secular and non-business days, and shall be so considered and construed within the meaning of the act of the general assembly approved on the third day of March, eighteen hundred and ninety-eight, known as the negotiable instrument law; and every such bill of exchange, draft, check, negotiable note or other negotiable instrument which would otherwise be presentable for acceptance or payment on any of the said holidays or Saturdays, or on a Sunday, shall be deemed to be presentable for acceptance or payment on the next succeeding secular or business day. And no person, firm, corporation, association or company shall be deemed guilty of any neglect or omission of duty, nor incur any liability in not presenting for acceptance or payment, or in not collecting, or in not protesting, or in not giving notice of non-acceptance, non-payment or dishonor of any instrument, whether negotiable or non-negotiable, made on or after the day on which this act shall take effect on any of the said public holidays, or on any Saturday or Sunday: provided, however, that notice of the non-acceptance, non-payment, dishonor or protest of any such instrument as is hereinbefore specified may be given on any such holiday, Saturday or Sunday with the same effect as if it were a secular or business day.

3. Nothing contained in this act shall affect the liabilities or duties of any person in respect to any bill of exchange, draft, check, negotiable note or other negotiable instrument made, indorsed or accepted before the day on which this act shall take effect; but the duties and liabilities of any person in relation to all such instruments shall be the same as if this act had not been passed.

4. An act, entitled "an act to designate and establish certain days as public holidays and to establish and declare Saturday after twelve o'clock noon a half-holiday as regards the transaction of business generally, with exceptions specified in this act," approved July twenty-ninth, nineteen hundred and two, and all acts and parts of acts inconsistent herewith are hereby repealed, except that nothing herein contained shall be deemed or construed to be intended to repeal any of the provisions of the act of assembly approved March third, eighteen hundred and ninety-eight.

known as the negotiable instrument law: and provided further, that nothing herein contained shall be construed to authorize the closing of the clerk's office of any court in this State on any other day than that now provided by law.

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CHAP. 111—An ACT to amend and re-enact section 834 of the Code of Virginia, as amended and re-enacted by chapter 535, Acts of Assembly, session 1902-'03-'04, approved December 31, 1903.

Approved March 9, 1906.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and thirty-four of the Code of Virginia, as amended and re-enacted by chapter five hundred and thirty-five, acts of assembly, session nineteen hundred and two, nineteen hundred and three, and nineteen hundred and four, approved December thirty-first, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§834. What board may do at any meeting.—The board of supervisors of each county shall have power at their regular meetings, or at any other legal meetings,

First. To buy, sell, and so forth, corporate property; how sale made: provide farm for poor; control of court house.—To sell or exchange and convey the corporate property of the county; to purchase any such real estate as may be necessary for the erection of all necessary county buildings; to provide a suitable farm as a place of general reception for the poor of the county, and to make such orders as they may deem expedient concerning such corporate property as now exists, or as may hereafter be acquired: provided, that no sale of such corporate property shall be made, except by public auction, due notice of the time and place of which shall be given by publication, for at least once a week for four successive weeks, in some newspaper published in the county, if there is one so published, and by hand-bill posted at the front door of the courthouse. If there be no newspaper published in the county, the notice of the time and place of such sales shall be given by hand-bills posted at the front door of the courthouse, and each voting place of the county, for at least four weeks prior to such sale; and all sales, exchanges and purchases of corporate property made by the board shall be subject to the approval and ratification of the circuit court. It shall not be lawful for any supervisor of the county to be personally or pecuniarily interested, either directly or indirectly, in any such sale, exchange, or purchase of corporate property. But this section shall not be construed to deprive the judge of the right to control the use of the courthouse of the county during the term of his court therein.

Second. Allow claims and issue warrants therefor; interest not allowed on warrants.—To examine, settle, and allow all warrants chargeable against such county, and when so settled issue warrants therefor, as provided by law; but the board of supervisors of any county shall not issue in any one year a greater amount of warrants than the amount of county tax levied for such year: provided, that if the county treasurer shall have in his hands at any time a surplus of county funds, the said board, in

addition to the amount of county tax levied for such year, may issue warrants to the amount of such surplus, but no more, and no interest shall be paid by any county on any county warrant.

Third. Build and repair buildings.—To build and keep in repair county buildings.

Fourth. Provide temporary offices, when necessary; insure buildings: fix allowances to officers.—To cause the county buildings to be insured in the name of the board of supervisors of said county and their successors in office for the benefit of the county, if they shall deem it expedient; and if there are no public buildings, to provide temporarily suitable rooms for the county purposes; to determine what annual allowances, not less in any case than three hundred dollars, payable out of the county treasury, shall be made severally to the attorney for the Commonwealth, clerks and sheriffs of their respective counties, so that in counties containing a population of ten thousand and less the allowance to each of said officers shall not exceed four hundred dollars; in counties containing ten and less than fifteen thousand, five hundred dollars; in counties containing fifteen and less than twenty thousand, six hundred dollars; and in counties of more than twenty thousand, seven hundred dollars: provided, however, that in the counties of Henrico, Wise, and Elizabeth City the annual allowance for the Commonwealth shall be fixed at a sum not exceeding one thousand dollars; in the county of Norfolk at a sum not exceeding fifteen hundred dollars, and in the county of Russell at a sum not exceeding seven hundred and fifty dollars: and provided, further, that in the counties of Henrico and Chesterfield the annual allowance for the county clerk shall be fixed at a sum not exceeding one thousand dollars, and in the county of Elizabeth City at a sum not exceeding eighteen hundred dollars: and provided, further, that in the counties of Henrico, Norfolk, and Pittsylvania the annual allowance for sheriff shall be fixed at a sum not exceeding fifteen hundred dollars; in the county of Elizabeth City at a sum not exceeding twelve hundred dollars, and the county of Chesterfield at a sum not exceeding seven hundred and fifty dollars.

Fifth. Raise money for county expenses.—To direct the raising of such sums as may be necessary to defray the county charges and expenses and all necessary charges incident to or arising from the execution of their lawful authority.

Sixth. Protect county property; employ assistant counsel.—To represent the county and have the care of the county property and the management of the business and concerns of the county, in all cases where no other provision shall be made, and, when necessary, to employ counsel to assist the attorney for the Commonwealth in any suit against the county, or in any matter affecting county property where the board is of opinion that such counsel is needed.

Seventh. Award premiums for scalps.—To award, in their discretion, a premium not exceeding ten dollars for each wolf scalp; one dollar and fifty cents for each scalp of wild cat, catamount or red fox; seventy-five cents for each scalp of gray fox, and fifty cents for each scalp of chicken hawk or owl, except screech owl, upon satisfactory evidence that the same were, respectively, killed within the limits of the county and by the per-



son in whose behalf the same may be presented, to be paid on warrant of said board on the county treasurer.

Eighth. Provide subsistence in time of want.—To provide, under such regulations as the board may prescribe, means of subsistence for those threatened with starvation and unable to provide for themselves, and to make an order for all levies necessary to carry out this provision. All contracts for this purpose shall be reduced to writing, signed by the chairman, and be evidence against the county.

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CHAP. 112—An ACT concerning the bureau of insurance, and insurance, guaranty, trust, indemnity, fidelity, security, and fraternal benefit companies, associations, societies, and orders, and imposing penalties for its violation.

Approved March 9, 1906.

1. Be it enacted by the general assembly of Virginia, as follows: That a bureau of insurance be, and the same is hereby, established, within the department and subject to the supervision and control of the State corporation commission, which bureau shall be charged with the execution, under the supervision and control of the said commission, of all laws now in force, or which may be hereafter enacted, relative to insurance, and to insurance, guaranty, trust, indemnity, fidelity, and security companies and associations, of every character and nature, and fraternal and other beneficiary orders and societies; and all such companies, associations, societies, and orders, domestic, foreign and alien, now transacting or to be admitted to transact business in this State, are hereby placed under the bureau of insurance, and shall be subject to the inspection and supervision of the State corporation commission through the said bureau.

2. The said bureau shall be known as the "bureau of insurance of Virginia," and its chief officer shall be known as the "commissioner of insurance," whose term of office shall be four years. The office of the commissioner of insurance shall be located in the city of Richmond, and the State corporation commission shall assign to him suitable offices for conducting the business of the said bureau.

3. The commissioner of insurance shall be elected by the joint vote of the two houses of the general assembly, and he shall hold office until his successor is duly elected, commissioned, and qualified, unless sooner removed for cause, as hereinafter in this chapter provided. The said commissioner of insurance provided for hereunder shall, before entering upon the discharge of his duties, qualify before the State corporation commission by taking the oaths required by the Constitution and the laws of this State, and shall give bond in the penalty of ten thousand dollars, in such form and with such security as shall be approved by the State corporation commission, conditioned for the faithful performance of his duties. The said oaths and bond shall be filed in the office of the State corporation commission, and recorded on the minutes of its proceedings. The first commissioner of insurance under this act shall be elected by the joint vote of the two houses of the present general assembly, and his successor in office shall be elected by the joint vote of the two houses of the general

assembly in the month of January, nineteen hundred and ten, and in the month of January every four years thereafter. The commissioner of insurance herein provided for shall appoint a deputy, who shall be subject to removal at pleasure by the commissioner, and who shall possess all the powers and perform all the duties attached by law to the office of commissioner during a vacancy in such office, and during the absence, inability or suspension of his principal. The commissioner shall be responsible for the acts of his deputy, fix his salary, and require him to perform the duties of chief clerk of the department. The deputy shall, before entering upon the duties of his office, take the oath prescribed in this section, and the commissioner may require him to execute a bond, conditioned for the faithful performance of his duties, in the sum of five thousand dollars. The commissioner of insurance shall appoint such other clerical force as may be found necessary for the proper execution of the work of the bureau of insurance. In case of vacancy in the offices of both the commissioner of insurance and of his deputy, during the recess of the general assembly, because of death, resignation or removal from office, or for other cause, the State corporation commission shall appoint some person to fill such vacancy in the office of commissioner of insurance. Such appointee shall hold office under the said appointment until thirty days after the convening of the general assembly, either in extra or regular session, and until the vacancy shall be filled by the joint vote of the two houses of the general assembly, and the successor of such appointee shall have been duly commissioned and qualified.

4. The term of office of the commissioner of insurance first elected under the provisions of this act shall commence on the first day of July, nineteen hundred and six, and expire on the thirty-first day of January, nineteen hundred and ten, and the regular terms of his successors shall commence on the first day of February next succeeding their election. The commissioner of insurance or his subordinates shall not in any way be connected with the agency, management or control of any company, corporation, association or society affected by this act.

5. The salaries and expenses of the bureau of insurance, unless herein after otherwise provided, shall be paid out of the public treasury, upon the order of the State corporation commission, and all necessary printing for the said bureau shall be done by and under the direction of the superintendent of public printing, upon the order of the said commission.

6. The commissioner of insurance, under the supervision and control of the State corporation commission, shall, unless otherwise specifically provided, in addition to such duties as may be imposed upon him by this act, discharge all the duties of every character now imposed upon the auditor of public accounts under the insurance laws of this State, and the laws relating to insurance, guaranty, trust, indemnity, fidelity, security, and other like companies, and all papers, blanks, reports, documents, and records relating to insurance, guaranty, trust, indemnity, fidelity, security, and other like companies, now in the possession of the auditor of public accounts shall be transferred to the bureau of insurance, and thereafter remain in the charge and custody of the said bureau, and wherever in the laws of this State relating to insurance companies, or to the business of insurance, or to guaranty, trust, indemnity, fidelity, security, and other

like companies, the name "auditor," or "auditor of public accounts," is used, reference shall, unless otherwise specifically provided, be deemed to be made to the State corporation commission, in all matters pertaining to the bureau of insurance, and the duties of its officers and agents, as prescribed by this act.

7. The commissioner of insurance, with the approval of the State corporation commission, shall devise a seal, with a suitable inscription of his office, and a description of said seal, with the certificate of approval of the State corporation commission, shall be filed and preserved in the office of the secretary of the Commonwealth, with an impression thereof, which seal shall thereupon be and become the seal of the bureau of insurance of Virginia.

8. Every certificate executed by the commissioner of insurance in pursuance of any authority conferred upon him by law, and sealed with said seal of office, shall be received as evidence, and all copies of records or papers, in the office of the bureau of insurance, certified by him, authenticated by the said seal, shall in all cases be evidence equally and in like manner as the originals. For all copies furnished by the commissioner of insurance from the records and files of his office, he shall charge like fees as are by law allowed to be charged by the clerks of the courts of record of this State, and for each impression of the seal of the bureau of insurance, he shall collect a tax of one dollar.

9. All licenses to foreign or alien companies, and certificates of authority to domestic companies, to transact business in this State, shall be granted and issued by the State corporation commission, through the bureau of insurance, and under the seal of the said bureau. All such licenses and certificates shall be signed by the commissioner of insurance. The commissioner of insurance, in addition to the taxes and other fees and charges imposed by law upon the granting of licenses or certificates of authority to such companies to do business in this State shall be entitled to charge and demand a fee of five dollars on each and every license or certificate of authority aforesaid issued by the bureau of insurance.

10. The State corporation commission, before granting a license or certificate of authority to any insurance company, foreign, alien, or domestic, to commence or transact business in this State, or to issue policies, or to make contracts of insurance, or to any guaranty, trust, indemnity, fidelity, security, or other like company to become security for the faithful performance of any trust, duty, contract, agreement, or bond, public or private, official or otherwise, or to assume any debt or obligation of like nature, or otherwise, or to become a fiduciary, shall be satisfied from such evidence as it may require under such uniform rules and regulations as shall be prescribed by the said commission, suitable to the several classes of companies, and applying equally to each company, that such company has complied with the laws of this State relating to insurance, and insurance, guaranty, trust, indemnity, fidelity, security, and other like companies, is solvent, and is in other respects duly qualified under the laws of this State to transact business therein, and that such company, its agents and attorneys, have paid the annual registration fee, the license fee or tax, and such other taxes, fees and charges as may be prescribed by law.

11. Whenever the State corporation commission shall deem it necessary for the protection of the policy-holders of this State, or of persons who may have become policy-holders, in any foreign, alien, or domestic insurance company, doing business in this State, or for the protection of the State, or of any incorporated city or town therein, or of any corporation chartered or doing business therein, or of any person or persons, or partnership, in this State, in any wise secured or indemnified, or to be secured or indemnified, by any guaranty, trust, indemnity, fidelity, security, or other like company, either foreign, alien, or domestic, doing business in this State, the said commission may direct an examination of the affairs and financial condition of any such company by the commissioner of insurance, or his assistants, or such other person as the commissioner may think proper, and for the purpose of such examination, the commissioner of insurance, or his assistants, or the person making such examination, shall have free access to the books and papers of any such company that relate to its business, and to the books and papers kept by any of its agents, and may summon and qualify as witnesses, under oath, and examine the directors, officers, agents, or trustees of any such company, or any other person, in relation to its affairs, transactions and condition.

12. Before ordering or making the examination provided for in the preceding section of any foreign or alien company, the State corporation commission, through the bureau of insurance, shall first inquire of the insurance department of the State or country (if there be any such department therein), in which is located the principal office of such company, as to the financial and business standing and solvency of such company. If, upon such inquiry, it shall appear that such company is of good financial and business standing, and is solvent, and it be certified, in writing, attested by the seal (if any) of the insurance department of the State or country wherein is located the principal office of such company, that it has been examined by the insurance department of such State or country in the manner prescribed by the laws thereof, and was by such examination found to be in sound condition, that there is no reason to doubt its solvency, and that it is still permitted, under the laws of such State or country, to do business therein, then in the discretion of the State corporation commission, further examination may be dispensed with, and the information so obtained, and such certificate so furnished, may be accepted as sufficient evidence of the solvency of such company.

13. If the commissioner of insurance is of the opinion from any such examination, or from any other evidence or information coming to his knowledge, that any foreign, alien or domestic insurance company, or that any foreign, alien or domestic guaranty, trust, indemnity, fidelity, security, or other like company, doing business in this State, is in an insolvent condition, or that it has failed to comply with the law; or, if any such company, or its officers, or agents, refuses to submit to the examination in this act provided, or to furnish satisfactory evidence of its financial and business standing, or solvency, or refuses to perform any lawful requirement imposed by the laws of this State, he shall immediately report the same to the State corporation commission, who, if such company is a foreign or alien company, and an applicant for a license to

transact business in this State, or if a domestic company, and an applicant for a certificate of authority to commence or transact business in this State, shall refuse such license or certificate of authority, as the case may be; and if it be a foreign or alien company already licensed and permitted to do business in this State, or a domestic company already authorized to commence and transact business in this State, the State corporation commission, through its bureau of insurance, shall give ten days' notice to any such company to appear before the said commission to be heard upon the subject matter of the said report, and shall be afforded an opportunity to introduce evidence and to be heard in reference thereto; and, if upon such hearing the State corporation commission shall be of the opinion that the subject matter of the said report is sustained, it shall revoke or suspend, as may seem to the commission proper under the circumstances of the case if a foreign or alien company, its license, and if a domestic company, its certificate of authority, to transact business in this State, and shall on final judgment, unless an appeal be taken in sixty days, cause notification thereof to be published in one or more newspapers published in this State, and no new business shall thereafter be done by any such company, or its agents, while such order revoking or suspending its license or certificate of authority to do business in this State, shall be in force, nor until its license or authority to do business is restored by the State corporation commission. The report hereinbefore directed to be made by the commissioner of insurance to the State corporation commission shall not be divulged or disclosed except by the order of the commission. From the action of the commission refusing, revoking or suspending the license or certificate of authority to do business in this State of any company of the classes mentioned in this section, there shall be an appeal to the supreme court of appeals of this State, as provided in section thirty-four of the act entitled "an act to put into effective operation the provisions of the Constitution relating to the creation, appointment and organization of the State corporation commission, its jurisdiction, and so forth," approved April fifteenth, nineteen hundred and three.

14. Whenever it shall appear that any company of the classes referred to in this chapter, has paid the annual registration fee, the license fee or tax, and such other taxes, fees or charges as may be required by law, and has been granted a license or certificate of authority by the State corporation commission to do business in this State, then such company shall be permitted to carry on its business during the period covered by said license or certificate of authority: provided, the commissioner of insurance shall be satisfied that such company is qualified to conduct business in this State, and has, in all respects, complied with the laws thereof relating to such companies: and provided, further, that such company shall comply with the laws of this State during the period of such license or certificate of authority to transact business therein.

15. The commissioner of insurance shall keep on file in his office, for the inspection of the public, all reports received by him from such companies, which are required by law. He shall keep and preserve in a permanent form a report of his proceedings, including a precise statement of the result of all official examinations; an exhibit of the financial con-

dition and business methods of all corporations under his supervision as disclosed by official examination of the same, or by their several statements or reports, and such other information and comments in relation to these subjects and the public interest therein, as he may deem proper to preserve.

16. The commissioner of insurance shall annually submit, and at such other times as may be required by the commission, to the State corporation commission a report of his official acts and of the condition of all companies, associations or orders under the control and supervision of the bureau of insurance, and doing business in this State, with a condensed statement of their reports made to him, arranged in proper form, together with a statement of the licenses and certificates of authority issued to all foreign, alien and domestic companies, and of all taxes and fees collected by him from all sources, and paid by him into the State treasury. He shall furnish each company, association or order, under the control and supervision of the bureau of insurance, with printed forms for all statements required by law, and shall furnish free of charge such certificates to domestic companies, associations or orders as may be necessary for them to file in other States or countries in order to entitle them to do business therein.

17. The commissioner of insurance shall keep in his office a record of all examinations hereinbefore provided for, and of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided for in this act. And all records relating to investigations of fires shall at all times be open to public inspection.

18. It shall be the duty of the chief or other head officer of the fire department of each city or town, within five days after the occurrence of any fire within their jurisdiction, and of the sheriff of each county within five days after it shall come to his knowledge that a fire has occurred within his county, in which property has been destroyed or damaged, to make report thereof, in writing, to the commissioner of insurance, stating therein the location and character of the property destroyed or damaged: the date of the fire; the name of the reputed owner of the property, and such other information as the officer furnishing said report shall deem pertinent. The commissioner of insurance shall prepare, have printed and furnish to such officers the necessary blanks for making such reports, and for the purpose of the said reports, shall obtain and keep in his office a register of the said officers, which he shall revise and correct annually. The officer making such report shall be entitled to a fee of one dollar for each report, to be paid out of the public treasury upon the certificate of the commissioner of insurance: provided, that only one fee shall be allowed for a report upon the same fire, irrespective of the number of properties destroyed or damaged.

19. The commissioner of insurance shall examine, or cause examination to be made, into the origin and circumstances of all fires occurring in this State, which may be brought to his attention by official report, or otherwise, and for that purpose shall have authority to call for and demand of the chief or other head officer of the fire department, and the chief, or other head officer of the police department, of any city or town, and the

sheriff, coroner, or any constable of any county, for any information or assistance he may require in making or furthering such examination: provided, that when such examination is made on the application of any fire insurance company, the necessary expenses attending the same shall be paid by such company.

20. The commissioner of insurance, and such person or persons as he may appoint, shall have authority at all times of the day, in the performance of the duties imposed by the provisions of the preceding section, to enter upon and examine any building or premises where any fire has occurred, and any other buildings or premises immediately adjoining the same: provided, such adjoining building be not at the time occupied and used as a dwelling house.

21. If the commissioner of insurance shall be of opinion after investigation as to the cause or origin of any fire, that there is sufficient evidence to charge any person with the crime of arson, or with incendiary burning of property, he shall cause such person to be arrested and charged with such offence, and shall furnish to the Commonwealth's attorney of the city or county all such evidence, together with the names of witnesses, and all information obtained by him, including a copy of all pertinent and material testimony taken by him touching such offense.

22. The commissioner of insurance shall have the power of a trial justice for the purpose of summoning and compelling the attendance of witnesses to testify in relation to any matter which is, by the provisions of this chapter, a subject of inquiry and investigation. He may also administer oaths and affirmations to said witnesses, and false swearing in any such matter shall be deemed perjury, and shall be punished as such. He may in his discretion take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters as to which any examination is, in this chapter, required to be made, and shall cause the same to be reduced to writing. Investigations held by or under the direction of the commissioner of insurance may, in his discretion, be private, and persons other than those required to be present by the provisions of this chapter, may be excluded from the place where such examination is held, and witnesses may be kept separate and apart from each other, and not allowed to communicate with each other until they have been examined.

23. Upon complaint, in writing, the commissioner of insurance, or the chief or other head of the fire department of any city or town, shall have the right, at all reasonable hours, for the purpose of examination, to enter into and upon any building or premises not at the time occupied and used as a dwelling house, within their jurisdiction, for examination as to combustible material or inflammable conditions in any such building or upon any such premises. Whenever any of the said officers shall find in any such building or upon any premises combustible or inflammable conditions, dangerous to the safety of such building or premises, or other property, they shall order the same to be removed, or remedied, and such order shall within a reasonable time, to be fixed by said commissioner of insurance, be complied with by the owner or occupant of said buildings or premises: provided, however, that if the said owner or occupant shall feel aggrieved by such order, he or she may within five

days after notice of such order, appeal to the State corporation commission, and the cause of his complaint shall be at once investigated by the direction of the said commission, and unless by its authority such order is revoked, the same shall remain in force and be complied with by said owner or occupant. The commissioner of insurance, or the chief or other head of the fire department of any city or town, shall make an immediate investigation as to the presence of any combustible materials or the existence of inflammable conditions in any building or upon any premises within their jurisdiction, upon complaint of any person having an interest in the said building or premises; or property adjacent thereto. Any owner or occupant of any building or premises failing to comply with any final order made or given under the authority of this section, shall be deemed guilty of a misdemeanor, and punished by a fine of not less than five dollars nor more than twenty-five dollars for each offense.

24. The chief or other head of the fire department, or other authorized officer, in charge of a fire, and his subordinates, upon his order or direction, shall have the right at any time of the day or night to enter any building or upon any premises where a fire is in progress, or any building or premises adjacent thereto, for the purpose of extinguishing the same.

25. The commissioner of insurance, in addition to the powers conferred and duties imposed by this chapter shall, under the supervision of the State corporation commission, exercise all other powers conferred and perform all other duties imposed by this act and by any act of the general assembly amendatory thereof, or supplementary thereto, or which may be required of him by said commission.

26. Any city, town or county officer referred to in this chapter who wilfully neglects or refuses to comply with any of the requirements of this chapter shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars.

27. The annual salary of the commissioner of insurance shall be thirty-five hundred dollars. The salaries of his clerical force, together with the expenses incident and necessary to the maintenance of the bureau of insurance, shall not exceed the sum provided under section twenty-eight of this chapter. The salaries of the commissioner and clerks shall be paid monthly.

28. The expenses of maintaining the said bureau of insurance shall be assessed annually against the companies, foreign, alien, and domestic, of the classes mentioned in this chapter, doing business in this State, except fraternal benefit orders, associations or societies, as defined and regulated in chapter five of this act, in proportion to their respective gross premiums, assessments or dues, on business done in this State, not exceeding one-tenth of one per centum on the gross amount of the premiums, assessments or dues of each of such companies, to be apportioned and assessed against such companies and by them to be paid as prescribed in the next succeeding section of this chapter.

29. The commissioner of insurance shall, under the supervision and direction of the State corporation commission, upon assuming the duties of his office and thereafter, on or before the first day of May in each year, assess upon each of said companies its just share of such expenses, in proportion to its gross premiums, assessments or dues from business done



in this State for the year next preceding that in which the assessment is made, and shall give notice of such assessment to the respective companies, which shall, within thirty days after such notice, pay the amount so assessed into the treasury of the Commonwealth; and if the same be not paid into the treasury of the Commonwealth within thirty days after notice of such assessment, the amount thereof may be recovered against any such defaulting company in the circuit court of the city of Richmond, after ten days' notice, on the motion of the commissioner of insurance, and in his name, for the use of the Commonwealth. The license or certificate of authority of any such defaulting company to transact business in this State may be revoked or suspended by the State corporation commission until it shall comply with the provisions of this section: provided, any corporation, company, or association aggrieved by the assessment and ascertainment made under this section, may, within ten days after receiving notice thereof, appeal to the supreme court of appeals. The court, if of the opinion that the assessment is excessive, shall reduce the same, but if of opinion that it is insufficient, shall increase the same. Unless the appellant paid the assessment under protest when due, the court, if it affirms the action of the commission, shall give judgment against the appellant for damages equal to interest at the rate of one-half of one per centum per month, upon the amount of the assessment from the time the same was payable. If relief be granted in whole or in part, judgment shall be rendered against the Commonwealth for any excess that may have been paid, with legal interest thereon.

30. All companies of the classes mentioned in this chapter, foreign, alien or domestic shall, on or before the thirty-first day of March in each year, make report to the bureau of insurance upon forms to be furnished by the commissioner of insurance, of the amount of their gross premiums, assessments or dues for the preceding calendar year, and such other information as the bureau of insurance may require, in order to make such assessment.

31. The commissioner of insurance shall keep a just and true account of all moneys received and expended under the provisions of this act, and shall include the same in his annual report, together with the amount of the assessment against each company for the purposes aforesaid: and shall also keep a true and accurate account of all fees, tax on seals, and other moneys received by him, and shall make report thereof to the auditor of public accounts, and pay the amount of his collections into the treasury of the Commonwealth, at least once in every thirty days.

32. The state corporation commission may, for misfeasance or malfeasance, remove the commissioner of insurance or his deputy from office. Before such removal, the said commissioner of insurance, or his deputy, as the case may be, shall have reasonable notice of the charges against him, and of the time and place for hearing the same, and opportunity to be heard in his defense.

33. It shall be the duty of the commissioner of insurance to investigate complaints as to excessive rates for insurance, and he shall make detailed reports of all such investigations to each general assembly, with such recommendations as in his judgment may be necessary to correct any existing evils, as also he shall make such other recommendations which in

his judgment he may deem necessary as to legislation governing, controlling and regulating the classes of corporations placed by the provisions of this act under the supervision and control of the department of insurance.

## CHAPTER II.

### *General Provisions.*

1. The words "insurance company" or "insurance companies" as used in this act shall be held to mean and include any association, society, company, corporation, joint stock company, individual, partnership, trustee, or receiver engaged in the business of assuming insurance risks upon persons or property in this State, except fraternal benefit orders, associations or societies, as defined and regulated in chapter five of this act; and any bond investment company, association, or society, conducting a business including any of the features or principles of insurance, and the words "guaranty," "trust," "indemnity," "fidelity," or "security" or any combination of these words coupled with the word "company," "corporation," "incorporated," "association," or "society," as used in this act, shall be held to mean and include any association, company, society, corporation or joint stock company, partnership, trustee, or receiver, having for its purpose to become surety for the faithful performance of any trust, duty, contract, agreement, or bond, public or private, official or otherwise, or to assume any debt or obligation of a like nature, as principal or otherwise, or to become fiduciary, and other like companies; and the word "domestic," as used in this act, shall be held to apply to corporations, companies, associations, societies or orders, incorporated under the laws of the State of Virginia. The word "foreign," as used in this act, shall be held to apply to corporations, companies, associations, societies, or orders incorporated by any other State or Territory of the United States; and the word "alien," as used in this act, shall be held to apply to corporations, companies, associations, societies or orders incorporated by any country other than the United States, or some State or Territory thereof.

2. Insurance companies, associations, societies, and orders and guaranty, trust, indemnity, fidelity, security, and other like companies, may be incorporated under the provision of chapter one of the act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three, and shall be subject to all the general restrictions and shall have all the general powers imposed and conferred upon such corporations by the laws of the State: provided, that no charter shall be granted to any life or fire insurance company with a capital stock until the incorporators shall present to the State corporation commission the certificate of the treasurer of the Commonwealth, that bonds to the amount of ten thousand dollars of the description mentioned in section fourteen of this chapter, have been deposited with him to be held by him under the provisions and upon the terms and conditions in this chapter hereinafter set forth.

3. The certificate for the incorporation of any company of the class mentioned in the preceding section, shall set forth, if an insurance com-

pany with a capital stock, the class or classes of insurance the company proposes to undertake; and if a mutual, co-operative or assessment company, in lieu of a capital stock, the number and amount of agreements for insurance with which it proposes to commence business, and the territory to which its operations are to be confined; and if a guaranty, trust, indemnity, fidelity, security, or other like company, the class or classes of business it proposes to undertake and conduct.

4. No foreign or alien insurance, guaranty, trust, indemnity, fidelity, security or other like company, shall make any contracts of insurance, indemnity, surety, or other like contracts, or become a trustee or fiduciary within this State, until such company shall have obtained a license from the State corporation commission so to do, and shall in other respects have complied with the laws of this State; and no such domestic company shall make any such contracts, or become a trustee or fiduciary, until it shall have obtained from the State corporation commission a certificate of authority so to do, and shall have, in other respects, complied with the laws of this State. If, however, any such company shall make any such contract as aforesaid, without conforming to the requirements of the laws of this State, the contract shall be valid and may be enforced against such company.

5. The minimum capital stock of every insurance company hereafter incorporated under the laws of this State, on the stock plan, shall not be less than one-tenth of its maximum capital stock, and in no case shall the minimum capital stock be less than twenty-five thousand dollars.

6. No insurance company incorporated on the stock plan under the laws of this State, shall be authorized to commence business until the minimum amount of the capital stock named in the certificate of incorporation has been subscribed and actually paid in, according to the subscription agreement, nor if a mutual, co-operative or assessment company, until it has received and is in actual possession of bona fide engagements or agreements of insurance, to the extent and value required to commence business; and, for the purpose of making examination, the commissioner of insurance may demand the production before him of the securities and agreements of any such company, and such other evidence of the bona fides of such company as he may deem necessary, and shall require the incorporators, or the officers and directors, to certify, under oath, that the money securities or agreements exhibited to him are the bona fide property of the corporation; and a written report of such examination shall be filed with the State corporation commission. Any wilful false swearing as to any material fact in any such certificate by any officer, director or incorporator of such company shall be deemed perjury, and shall be punished as such.

7. Every foreign or alien insurance, guaranty, trust, indemnity, fidelity, security, or other like company, shall, by a written power of attorney, appoint a citizen of this State, residing in the city of Richmond, its agent, upon whom shall be served all lawful process or notice against such company, and who shall be authorized to enter an appearance in its behalf. A copy of such power of attorney, duly certified and authenticated, shall be filed with the bureau of insurance, and copies thereof duly

certified by the commissioner of insurance shall be received as evidence in all courts of this State.

8. If any such agent shall be removed, resign, die, become insane, or otherwise incapable of acting, it shall be the duty of the company to appoint another agent in his place, as hereinafter prescribed and until such appointment is made, or during the absence of such agent of such company from the State, or if no such agent be appointed as heretofore prescribed, service of process or notice may be upon the commissioner of insurance with like effect as upon an agent appointed by the company. The officer serving such process or notice upon the commissioner of insurance shall immediately mail a copy thereof, addressed to its principal office, to the company, and state such fact in his return. A judgment, decree, or order of a court entered or made against any such company after service of process or notice as aforesaid, shall be as valid and binding on said company as if it had been incorporated under the laws of this State and served with process or notice therein.

9. Before license and authority is granted to any foreign or alien insurance, guaranty, trust, indemnity, fidelity, security, or other like company, to transact business in this State, it shall file with the commissioner of insurance a resolution adopted by its board of directors, consenting that service of process or notice upon the agent of such company in this State, as hereinbefore provided, or upon the commissioner of insurance of this State, if there be no such agent, in any action brought or pending in this State, shall be valid service of such process or notice upon said company.

10. Every foreign and every alien insurance, guaranty, trust, indemnity, fidelity, security, and other like company, through its agent shall, before making or procuring to be made any contract of insurance, or indemnity or other like contract, give bond payable to the Commonwealth, with one or more sureties, or a surety company, to be approved by the commissioner of insurance, in the sum of not less than one thousand nor more than five thousand dollars, at the discretion of the commissioner of insurance, with condition to make the returns and pay the taxes and all other fees and charges required by law.

11. Every foreign and every alien insurance, guaranty, trust, indemnity, fidelity, security, and other like company, before transacting any business in this State, if it has not already done so, shall file with the commissioner of insurance a copy of its charter, articles of association, or deed of settlement, by whatever name its organic law may be called.

12. Any insurance, guaranty, trust, indemnity, fidelity, security, or other like company, that shall fail to pay the taxes, fees and charges due by it or its agents shall cease to transact business in this State; and any agent or employee of such company who shall, while the company he is transacting business for is in default in the payment of its taxes, fees or charges, engage in or solicit, in any manner, business for such company, shall upon conviction thereof be punished by a fine of not less than fifty nor more than two hundred dollars and by imprisonment in jail for not less than thirty nor more than fifty days, in the discretion of the jury.

13. Every such insurance, guaranty, trust, indemnity, fidelity, security or other like company, whether foreign, alien or domestic, shall obtain

annually from the State corporation commission a renewal of its license or certificate of authority to transact business in this State. Upon the issuance of such renewal the commission shall collect a fee of five dollars in addition to the other taxes, fees and charges imposed by law: provided, that this section shall not apply to mutual fire insurance companies conducting business exclusively in this State, and on a strictly mutual plan, and that pays its losses wholly from assessments upon its members, and that makes no division or distribution of its earnings or profits among its members.

14. Unless otherwise provided in this chapter, every insurance company shall, by an agent employed to superintend or manage the business of such company in this State, or through some authorized officer, deliver under oath to the treasurer of this State a statement of the amount of capital stock of said company, unless it be a mutual company, and deposit with him bonds of the United States, or of the State of Virginia, or of the cities or counties of this State, to an amount equal to five per centum on the said capital stock, or not less than ten thousand nor more than fifty thousand dollars, and the treasurer shall thereupon give the agent a receipt for the same: provided, that the cash value of the securities so deposited need not be more than fifty thousand dollars, nor shall it be less than ten thousand dollars, and no single bond so deposited shall exceed in amount the sum of ten thousand dollars; if a mutual company, it shall make a deposit of not less than ten thousand dollars nor more than fifty thousand dollars, the exact amount to be determined by the State corporation commission, as may seem equitable upon comparison with the deposit required by stock companies. And upon the face value of such deposits the treasurer of the Commonwealth shall be authorized to make an annual assessment of one-twentieth of one per centum, to be by him collected of the general agent of such company for the State of Virginia, or if there be no general agent, then of any local agent doing business for said company in this State, to defray the expenses of his office in the safe-keeping and handling of such securities; and after the payment of said expenses, whatever remains shall be retained as a compensation to himself for his care and labor in connection with said securities, a detailed statement of which shall be furnished by him to each session of the general assembly. The treasurer shall collect for the year nineteen hundred and six, in the month of January, and annually thereafter in the month of January. If the bonds so deposited be registered bonds, the company shall at the same time deliver to the treasurer a power of attorney authorizing him to transfer said bonds, or any part thereof, for the purpose of paying any of the liabilities provided for in this act. Upon the exhibition of a license and authority from the State corporation commission to such company to do business in this State, or of a duly certified copy thereof, to the commissioner of the revenue of the county, district or city in which an office of any such company in this State is, or is to be located, and the payment of the specific license tax which may be imposed thereon, a license shall be issued in the manner prescribed by law to said company to carry on its business, and all renewals of such licenses shall be obtained and issued in the same manner. The treasurer shall require any such company to make good any deprecia-

tion or reduction in value of the said securities; and he shall, in the month of December in every year, examine all securities so deposited with him for the purpose of ascertaining whether any of them have depreciated or been reduced in value. Any insurance company incorporated by this State, making a deposit of bonds with the treasurer, shall be required to pay the assessment required by this section: provided, this section shall not be construed as requiring any deposit of bonds by any company transacting business upon a basis and under a form of contract which gives to the patrons of said company in advance all that will ever be due them from said company, so that nothing is left to be secured to said patron. The State shall be responsible for the safe-keeping of all bonds or other securities deposited with the treasurer of the State, and in case that said bonds or any part thereof shall be lost, destroyed or misappropriated, the State shall make good such loss to the insurance company making the deposit. Bonds or other securities deposited with the State treasurer by any insurance, fidelity, guaranty, trust, or indemnity company shall not be subject to taxation, but shall be held by the treasurer exclusively and solely for the protection of policy-holders: provided, that nothing contained in this act shall be construed to relieve any agent of any such company from the payment of any license imposed by the ordinances of any city or town in this Commonwealth: provided, that this section shall not apply to mutual fire insurance companies conducting business exclusively in this State, and on a strictly mutual plan, and that pays its losses wholly from assessments upon its members, and that makes no division or distribution of its earnings or profits among its members, or to fraternal benefit companies, societies or orders.

15. The treasurer at the time of receiving said bonds shall give to the company authority to draw the interest thereon as the same may become due and payable, for the use of the company, which authority shall continue in force until the company fails to pay any of its liabilities upon its insurance policies made in favor of any citizen or inhabitant of this State, in which case the party charged with the payment of such interest shall be forthwith notified of such failure, and thereafter such interest shall be payable to the treasurer, to be applied, if necessary, to the payment of such liabilities.

16. If the said company fail to pay any of its liabilities on said policies, according to the terms of the policies, after the said liabilities shall have been adjusted between the parties in the mode prescribed by the policies, if a mode be prescribed thereby, or after the same shall have been ascertained in any mode agreed upon by the parties, or by the judgment, order or decree of a court having jurisdiction of the subject the treasurer shall, upon the application of the party to whom the debt or money is due proceed to sell at auction such an amount of the said bonds as, with the interest in his hands, will pay the sum due and expenses of sale, and out of the proceeds of sale pay said sums and expenses: provided, that the party making application shall give to the company, or to the agent of the company in this State, twenty days' notice of his intention to make the same: and provided, further, that such company shall be required forthwith to make good any deficit in the amount of its deposit caused by such sale.

17. Upon the bonds deposited as aforesaid, with the treasurer, by any such insurance company, the holders of all policies of said company made with residents of this State shall have a lien for the amounts due them respectively under, or in consequence of such policies for losses, equitable values, return premiums, or otherwise, and shall be entitled to be paid ratably out of the proceeds of said bonds, if such proceeds be not sufficient to pay all of said policy-holders; and whenever any such company, depositing bonds as aforesaid, shall have become insolvent or bankrupt, or shall have made an assignment for the benefit of its creditors, any holder of such policy shall have the right to file a bill in the circuit court of the city of Richmond to enforce the said lien for the benefit of all the holders of such policies. The treasurer shall be a party to the suit, and the fund shall be distributed by the court.

18. Where the principal of any said bonds so deposited is paid to the treasurer, he shall notify the company, or its agent in this State, and pay the money so received to the said company upon receiving other bonds, of the character named in section fourteen of this chapter, to an equal amount; or upon the failure of the company, for thirty days after receiving said notice, to deliver such bonds to an equal amount to the treasurer, he may invest the said money in any such bonds, and hold the same as he held those which were paid off.

19. If such company cease to carry on business in this State, and its liabilities, whether fixed or contingent, upon its policies, to persons residing in this State, shall have been satisfied, or shall have terminated, upon satisfactory evidence of the fact to the State corporation commission, it may direct the treasurer to deliver to such company the bonds in his possession belonging to it or such of them as remain after paying the liabilities aforesaid; or, if such company shall reduce the amount of its liabilities, both fixed and contingent, upon its policies to persons residing in this State, below the value of the bonds in the possession of the treasurer, he may, on the order of the State corporation commission, deliver to such company a part of such bonds, taking care, however, that the bonds in his possession shall always be equal in value to the liabilities of said company upon its policies to persons residing in this State; or, if such company cease to carry on business in this State, and its fixed liabilities for losses and for taxes, fees and other charges shall have been satisfied, and the contingent liabilities under its policies shall have been assumed by another company doing business in this State, in case such reinsuring company, if non-resident, has deposited with the treasurer bonds not less in value than those of the company proposing to retire, the State corporation commission, upon being satisfied of these facts, shall, upon receiving a duly attested copy of the contract between the two companies by which the risks of the retiring company are assumed by the other company, direct the treasurer to deliver to such company proposing to withdraw, the bonds in his possession belonging to it.

20. If the treasurer shall dispose of the bonds deposited with him by any insurance company under the provisions of this chapter, or any part of said bonds, otherwise than is provided in this chapter, he shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine double the amount of the bonds so disposed of, and by confine-

ment in the penitentiary for a period of not less than five years nor more than fifteen years.

21. Every alien casualty insurance company shall have a deposit of not less than two hundred thousand dollars in the United States dedicated to its business and liabilities in the United States. No casualty insurance company, incorporated or associated under the laws of any government or State other than the United States, or one of the United States, shall be licensed to do business in this State until, besides complying with the provisions of the laws relating to the admission of companies of other States, it has in the hands of trustees who shall be citizens and residents of the United States, or with the treasurer of this State, or with the financial officer or insurance commissioner of some one of the other of the United States, a deposit of not less than two hundred thousand dollars; such deposit must be in exclusive trust for the benefit and security of all of the policy-holders and creditors of such company in the United States, and may be in securities under the same restrictions as the investments of companies of other States. When such deposit shall have been made in some one of the other States, other than this State, the deposit so made shall be deemed and treated as the capital stock of such alien casualty insurance company, on which the treasurer shall estimate the five per centum deposit required to be made by section fourteen of this chapter.

22. Any life insurance company, or any association for life insurance on the co-operative or assessment plan, incorporated under the laws of Virginia, and doing business therein, having by the terms of its charter or by-laws, or by the laws of this State, any part of its assets set apart either in its own hands or in the hands of others under any trust; or a reserve fund for policy-holders, or any of them, may at its election, or the holder thereof, may deposit the same or any part thereof with the treasurer of this Commonwealth: provided, such deposit be not less than ten thousand dollars, and be invested at the time of such deposit in any of the following securities—namely, first, in bonds or notes secured by mortgage or deed of trust on unencumbered real estate, assessed in each case at not less than double the amount loaned; or, second, in the bonds of the United States; or, third, in the bonds of the State of Virginia, or in the bonds of other States, or of incorporated cities and towns therein, at their cash market value, or such other securities as may be approved by the State corporation commission at their cash market value. The company making such deposit shall be entitled to the income thereof, and may from time to time change, in whole or in part, the securities which compose the deposit for other competent securities of equal par value. Upon the request of any insurance company mentioned in this section, the said treasurer may, on the order of the State corporation commission, return to such company the whole or any portion of the securities of such company held by him on deposit, when the said commission shall be satisfied that the securities so asked to be returned are subject to no liability and not required to be longer held for any provision of law, or purpose of its original deposit. The said deposit may, from time to time, be changed by the substitution, either in whole or in part, for other securities of at least equal value of the classes herein enumerated.

23. Any corporation or association organized under the laws of this or



any other State of the United States, for the purpose of furnishing life or accident, indemnity, insurance, either upon the assessment plan or by periodical premium payments, fixed in amount, to meet death losses in accordance with American experience tables of mortality, or that is carrying on the business of life or accident insurance upon either the assessment or periodical premium payment plan, shall deposit with the State corporation commission of this State a certified copy of its charter or articles of association, a copy of its statement of business for the year ending the thirty-first day of the next preceding December, sworn to by the president and secretary, or like officers thereof, setting forth the number and amount of certificates of membership or policies in force, and a detailed account of its expenditures, income, assets and liabilities, and also a certificate sworn to by the president and secretary, or like officers thereof, setting forth that it has paid, and has the ability to pay, its certificates or policies to the full amount named therein; that its certificates or policies are payable only to beneficiaries having a legal insurable interest in the life of the member or insured; that an ordinary assessment upon, or the periodical premium collections from, its members is sufficient to pay its maximum certificate of membership or policy issued therefor, if any, or thereafter to be issued to residents of this State to the full amount or limit named therein; and if a foreign corporation or association, a certificate from the auditor or other officer charged with the duty of executing or enforcing the execution of the insurance laws of its home State, certifying that it is legally entitled to do business in its home State; a copy of the application for membership for insurance, and of each form thereof, if more than one form is used; a copy of the form of certificate of membership or policy, and of each form thereof, if more than one form is used, and a copy of the constitution and by-laws, and of each and every edition thereof. Any such company or association for furnishing life or accident, indemnity insurance that shall show by the above described papers that all indemnities to beneficiaries are in the main provided for either by assessments upon members made when needed by said company or association, or by payments at a fixed date or dates, but with the right reserved by such company or association to make additional call or calls; or, if definite periodical premiums, without the right to make such additional call or calls, are used, such premiums must show that they are sufficient to pay average death losses in accordance with the American experience tables of mortality, and that its mortuary surplus fund is sufficient to meet death losses in accordance with said tables of mortality, shall all or either of them be held to be a company or association doing business upon the assessment plan: provided, that said periodical premiums do not include the reserve element of the legal reserve systems of life insurance, defined in section twenty-four of this chapter. When said company or association has complied with the provisions of this act, it shall receive a license and certificate of authority to do business in this State: provided, however, that this section shall not apply to fraternal benefit orders, associations or societies as defined and regulated in chapter five of this act.

24. Any foreign, alien, or domestic life insurance company, association or society, any of whose policies or certificates contain any provision to the

effect that a person insured shall, upon surrender of such policy during his or her lifetime, receive a surrender value therefor, either in cash, paid in insurance, or extended insurance, shall be regarded as a regular, or "legal reserve company," and shall be required to maintain a reserve sufficient to purchase said surrender values, calculating according to the American table of mortality, with four per centum interest, and strictly in accordance with the terms and provisions of said policies or certificates. The calculation shall be made on the net premium basis, and the gross premium shall not be considered, except when it is in deficit, as compared with the net premium, for the benefit derived by such premium, in which case the value of the policy shall be increased by the present value of all such deficit and future gross premiums: provided, that nothing in this section shall be construed to apply to industrial sick benefit companies chartered in this State, and having its capital and surplus invested in this State, nor to fraternal benefit orders, associations or societies, as defined and regulated in chapter five of this act.

25. The commissioner of insurance is directed, and he is hereby required, at the request of any life insurance company chartered under the laws of this State, to make or cause to be made, a valuation of all policies of such company, in force on the thirty-first day of December of the preceding year, at the expense of said company, and shall keep a record of the same in his office, and certify the same at the request of such company. The said valuation shall be made on the basis of the American experience table of mortality, and at four per centum interest.

26. No life insurance company chartered under the laws of any other State, whose insurance department refuses to receive as valid the valuation of the policies of any life insurance company of this State, made under the preceding section, or upon such basis as the laws of that State require for its own companies, shall do business in this State until there shall have been made, at the expense of such foreign life insurance company, under the direction of the commissioner of insurance, a special valuation of its policies in force.

27. That the payments in weekly or monthly installments to the holder of any policy of insurance in any accident company, sick benefit company, or any company of like kind, shall not be subject to the lien of any attachment, garnishment proceedings, writ of fieri facias, or to levy or distress in any manner, for any debt due by the holder of such policy.

28. All statements or descriptions in any application for a policy of insurance shall be deemed representations and not warranties, and no answer to interrogatories made by an applicant for a policy of insurance shall bar the right to recover upon any policy issued upon such application, by reason of any warranty in said application or policy contained, unless it be clearly proved that such answer was wilfully false or fraudulently made, or that it was material.

29. Whenever any losses or damage is sustained by reason of any peril insured against, and notice thereof has been given to the insurer or any agent of such insurer, then upon the written application made to the insurer by the insured or the person to whom the insurance money is payable under the policy or other contract of insurance, it shall be the duty of such insurer, within ten days after said application shall have been made

to the insurer, to deliver to the insured or to the person to whom the insurance money is payable under the policy or other contract of insurance, forms for such preliminary proof of such loss or damage as may be properly required under the policy or other contract of insurance; and unless such forms shall be so delivered, it shall not be necessary for the insured, or any person to whom the insurance money is payable as aforesaid, to furnish the insurer with any preliminary proof whatever of such loss or damage, anything in the policy or other contract of insurance to the contrary, notwithstanding; and the failure or refusal of such insurer or agent of such insurer to deliver said forms within ten days shall be deemed a waiver of any condition, stipulation or provision in the policy or other contract of insurance requiring such preliminary proof. Such written application and such delivery of forms may be made through mail, as well as otherwise: provided, that if made through the mail, it shall be registered according to the postal laws of the United States.

30. In all cases where policies of insurance have been issued or are hereafter issued by fire insurance companies doing business in this State containing a provision that in case of loss by fire or otherwise, less than the amount stated on the face of the policy upon which the premium is paid, or only a certain portion of the value of the property at the time of the loss, shall be paid under the provisions of said policy, and the amount ascertained to be due in accordance with the provisions of the policy after the loss occurs shall be less than the amount upon which the premium was paid, it shall be the duty of the company that issued said policies to refund to, and said company is hereby required to refund to, the policyholder or holders the premium paid on the amount which constitutes the difference between the amount stated on the policy upon which the premium was paid and the amount paid thereunder, with interest thereon from the time of payment of such premium; but this section shall not apply to cases in which there is a partial loss by fire and the policy is continued in force as to the residue of the amount named in the policy. When several policies are issued by different companies on the same property, the amount of premium required to be refunded under this section shall be apportioned, and may be recovered from the several companies in proportion to the several amounts of said policies. The amounts required to be refunded by fire insurance companies under this section may be recovered by the policyholder or holders in the same manner and by the same proceedings as are now provided by law for the recovery of the amount ascertained to be due under the policy. Any provision which may be inserted in a policy or in any condition attached thereto by any fire insurance company, doing business in this State for the purpose of providing against the enforcement of the provisions of this section shall be void. The provisions of this section shall not apply to a purely mutual fire insurance company or association organized and doing business in this State, and paying its losses solely from assessments upon its members.

31. No fire insurance company chartered or incorporated under the laws of this State, nor any foreign or alien fire insurance company licensed to do business in this State, shall carry at its own risk a policy or policies of insurance on any single risk for an amount in excess of ten per centum of the capital stock or assets of such company, or if a mutual company,

for an amount in excess of five per centum of its cash assets: provided, that a mutual fire insurance company or association organized and doing business in any county or counties, or city or cities in this State, and paying its losses solely from assessments upon its members without distributing any portion of its profits among its policy-holders, shall not be liable to the provisions of this section, nor affected thereby: provided, that if such a policy in excess of ten per centum of its capital stock shall be written, then the said company shall be required to reinsure such excess in some company legally authorized to do business in this State. Upon a complaint of a violation of this section, it shall be the duty of the commissioner of insurance (and he is hereby empowered and required to examine the books of such company, if the company is incorporated by this State, or the books of the agency of such company, if a foreign or alien company duly licensed to do business in this State), to ascertain if such company has violated the provisions of this section; and, if so, the commissioner of insurance shall report the same to the State corporation commission, who shall, after giving notice to such company to appear before the commission and an opportunity to introduce evidence and be heard, as provided in section thirteen of chapter one of this act, revoke the license or certificate of authority, as the case may be, to do business in this State, and publish such revocation as in said section and chapter directed. Such company shall have the right of appeal to the supreme court of appeals as provided in said section of said chapter.

32. That the arbitrators and umpire selected to ascertain the loss sustained by any claimant upon any policy of insurance on any property in the State of Virginia shall be citizens and actual residents of the State of Virginia, unless otherwise agreed between the parties.

33. The said arbitrators and umpire, before acting as such, shall take an oath to faithfully discharge their duties, and that they are not in any manner in the employment of nor related to any individual affected thereby, or in the employment of any insurance company.

34. That fire, accident, health, employers' liability, steam boiler, plate glass, surety, burglary or other insurance companies not incorporated by the laws of the State of Virginia, but legally authorized to do business in this State, shall not make contracts of insurance on persons or property herein save through regularly constituted agents of such companies residing in the State of Virginia: provided, however, that this act shall not apply to railroad companies and other common carriers engaged in interstate commerce; and the writing, placing, or causing to be written or placed, any policy of fire, accident, health, employers' liability, steam boiler, plate glass, surety, burglary, or other insurance in contravention of this section, is hereby declared to be a violation of the laws of this State providing for the payment of taxes by foreign and alien insurance companies permitted to do business in Virginia. No life insurance corporation doing business in this State shall make any discrimination in favor of individuals of the same class, or of the same expectation of life, either in the amount of premium charged or in any return of premium, dividends or other advantages. No agent of any such corporation shall make any contract for insurance or agreement as to such contract other than that which is plainly expressed in the policy issued. No such corpo-

ration or agent thereof shall pay, or allow or offer to pay, or allow as an inducement to any person to insure any rebate of premium or any special favor or advantage whatever in the dividends to accrue thereon, or any inducement whatever not specified in the policy. If it shall appear to the satisfaction of the commissioner of insurance, after hearing by him, upon due notice, that any corporation is issuing policies or making contracts that are directly or indirectly in violation of this section, he shall, upon the written approval of the corporation commission, require such corporation, and its officers and agents, to refrain within twenty days from making any such policy or contract.

35. Any company, or officer, or agent of any such company, legally admitted to do business in Virginia, violating any of the provisions of section thirty-four of this chapter, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each offence; and when any such company shall have been found to have so violated said section, upon the first offense, its license to do business in this State shall also, after proceeding in the manner prescribed by section thirteen of chapter one of this act, be revoked by the State corporation commission for a period of ninety days, subject to the right of appeal by such company as in said section of said chapter provided; and the commissioner of insurance of this State shall, after final judgment, or unless an appeal be taken in thirty days, be required to cause a notice of such revocation of authority to do business in the State to be published in any paper of general circulation published in the city of Richmond, and after the publication of such notice, it shall be unlawful for any person, agent, firm or corporation or any such insurance company or companies, to procure any new applications for insurance in such company or companies, or to issue any policies therein, pending the reinstatement of such company or companies' authority to do business in this State. And any company or companies whose license may be so revoked by the State corporation commission shall not be again permitted to do business in Virginia until all taxes and penalties, due on said conviction, shall have been paid, together with any expenses that may be due under the provisions of section thirty-seven of this chapter, to the commissioner of insurance.

36. Whenever the commissioner of insurance of this State shall receive information of any violation of section thirty-four of this chapter, whether such information shall be by an exhibition of the policy or policies about which complaint is made, or upon affidavit of the party or parties preferring the charge, it shall be his duty, in person, or by assistant, to forthwith cause an investigation of the correctness of such charge or charges of violation of section thirty-four of this chapter, and when necessary to obtain conclusive information, shall, when directed by the State corporation commission, visit such company or companies' offices where such contract may have been written, made, or recorded, and examine the books and records of the same: provided, the expenses of the said insurance commissioner shall be paid in advance by the person or persons making the charge, to be refunded to said person or persons should the charge be sustained. Any company or companies refusing to exhibit its or their books and records for his inspection shall be deemed guilty of violating the provisions of section thirty-four of this chapter,

and the penalties provided by section thirty-five of this chapter shall be enforced against such company or companies by the State corporation commission, as in said section provided.

37. The commissioner of insurance, or his assistant, shall receive as a compensation for the services rendered under section thirty-six of this chapter, his necessary travelling expenses and all reasonable expenses incurred, which sum shall be charged against the company or companies so found guilty by him, and collected from such company or companies. In case such company or companies be found not guilty, the necessary travelling expenses and other expenses incurred by him shall be retained out of the moneys paid in advance by the person or persons preferring such charges.

38. Renewal of privilege to transact the business of fire, accident, health, employers' liability, steam boiler, plate glass, surety, burglar or other insurance in this State by companies not incorporated by the laws thereof shall only issue after the secretary or manager of such company or companies so desiring to renew license to do business in Virginia shall first have made oath that no policy or policies of insurance covering persons or property in this State has been issued during the twelve months preceding, except by resident agents of such company in Virginia duly commissioned, and until and after such company or companies shall have complied with the other laws of this State in respect to the admission of companies of other States and countries.

39. No condition in, or endorsed on, any policy of insurance, nor any restrictive provision thereof, shall be valid unless such condition or restrictive provision is printed in type as large as long primer or ten point type, or is written in pen and ink or typewriter, in or on the policy, and no provision in any policy of insurance limiting the time within which a suit or action may be brought to less than one year after loss shall be valid.

40. Every insurance company or association of whatever description doing business in this State shall make a report annually, between the first day of January and the thirty-first day of March, to the State corporation commission, according to the form prescribed and published by it, showing the condition of such company or association as of the last day of the preceding year, which shall be verified by the oath of the president and secretary, or two other officers of the association or company, but no publication thereof shall be required.

41. If the company or association be a fire, marine, or fire and marine insurance company or association, the report shall show the amount of its capital stock subscribed, the amount paid up in cash, the amount paid by stock notes, and the amount unpaid; its assets, with a statement in detail of the investments thereof; its income during the year, and the source from which it was derived; its liabilities, and its expenditures in detail for the year.

42. If it be any other insurance company or association than such as are mentioned in the preceding section, the report shall show the number of its policies issued during the year, the amount of insurance effected thereby, the amount of premiums received during the year, the amount

of interest received, and all other receipts; the amount of losses paid during the year, the amount of losses unpaid, and the amount of expenses; the whole number of policies in force, the amount of liabilities or risks thereon, and all other liabilities; the amount of capital stock, if any, the amount of assets and how invested, and the amount of dividends.

43. If any company, association, society or order of the classes mentioned in this chapter, doing business in this State, shall fail to make any report required by law, and within the time required by law, and within the time prescribed, it shall, for every such failure, be fined not less than one hundred dollars nor more than one thousand dollars; and it shall, moreover, be the duty of the commissioner of insurance to publish such failure as soon as it occurs, at the expense of such company, or association, in such newspaper and for such length of time as he may prescribe: unless the time for the making such report shall have been extended by the State corporation commission.

44. If any president, secretary, agent, attorney, or other person whose duty it is to make or file any annual or other statement, report or other instrument in writing, required by the provisions of this law, shall knowingly or wilfully make or file any false or fraudulent statement, report or other instrument, he shall be deemed guilty of perjury, and, upon conviction thereof, shall be imprisoned in the penitentiary for a period of not less than two nor more than ten years.

45. The State corporation commission is authorized to revise and amend the forms of annual or other statements prescribed by law, and to propose such additional inquiries as are, in its opinion, necessary to elicit a full exhibit of the business standing of the various insurance companies doing business in this Commonwealth; and it may address to any officer of any insurance company inquiries relating to its doings and conditions, and it shall be the duty of the officer so addressed to promptly answer under oath, the inquiry propounded. The time prescribed for filing annual or other statements of insurance companies may be extended by the commission in favor of any company for good cause shown, but not beyond sixty days after such specified time. Any new business done by any company or its agents in this State, after neglect to make the prescribed returns, shall be deemed to be done in violation of law; and every insurance company failing, by its officers, to make report, shall be subject to a fine of not exceeding five hundred dollars for each failure; and to an additional fine of five hundred dollars for every month that such company shall continue, after such failure, to transact any business of insurance.

46. Any company, association, society, partnership or person violating any of the provisions of this act, if not otherwise provided in this act, shall be fined not less than twenty nor more than two hundred dollars.

47. All fines and penalties recovered for violation of this act shall be covered into the treasury of the Commonwealth to the credit of the literary fund.

48. "If, by the existing or future laws of any State an insurance corporation of this State having agencies in such other State, or the agents thereof, shall be required to make any deposit of securities in such other State for the protection of policy-holders or otherwise, or to make pay-

ment for taxes, fines, penalties, certificates of authority, license fees or otherwise, greater than the amount required by this chapter from similar corporations of such other State by the then existing laws of this State, then and in every such case, all insurance corporations of such State established or heretofore having established an agency or agencies in this State, shall be, and they are hereby, required to make the like deposit for the like purposes with the treasurer of this State, and to pay the commissioner of insurance for taxes, fines, penalties, certificates of authority, license fees and otherwise, an amount equal to the amount of such charges and payments imposed by the laws of such other State upon the insurance corporations of this State and the agents thereof.

49. The State corporation commission may impose, enter judgment for, and enforce, by its process, any fine or other penalty denounced against any company for violating any of provisions of this act: provided, that in all cases the company shall have an opportunity to introduce evidence, and to be heard, and the right of appeal, as provided in section thirteen of chapter one of this act.

50. Any agent, physician, or other person who shall knowingly secure or cause to be secured a policy of life insurance on any person without his knowledge or consent, or by means of misrepresentations, false, fraudulent, or untrue statements be instrumental in securing a policy of life insurance on any person, not in an insurable condition, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars, or be imprisoned in a county jail not less than thirty days nor more than one year, or both, in the discretion of the court; and said certificate or renewal so secured shall be absolutely void.

### CHAPTER III.

#### *Life Insurance Companies.*

1. Before any life insurance company, incorporated in this State to be organized on the stock plan, or with a capital stock divided into shares, shall commence business, the full amount of its minimum capital stock must be subscribed and actually paid into its treasury, or invested in solvent securities of equivalent cash value, and such company shall furnish to the commissioner of insurance a statement, under its seal, verified by the oaths of the president and secretary, or two of its directors, showing the amount invested in securities, with a list of such securities and their actual cash value; and shall have obtained a license or certificate of authority to transact business as required by this act, and shall have, in all respect, complied with the provisions of the laws of this State.

2. Before any mutual life insurance company shall commence business, it shall have entered into bona fide agreements for insurance with not less than one hundred persons, and shall have received therefrom not less than ten thousand dollars in premiums. The company shall, in all other respects, be subject to the same requirements as are prescribed for



companies referred to in section one of this chapter, and by the laws of this State relating to insurance companies.

3. Domestic life insurance companies which do business upon the principle of mutual insurance, or the members of which are entitled to share in the surplus fund thereof, may make distribution annually or every two or more years of so much thereof, after retaining the reserve required by law, as the company may determine.

4. When the actual funds of any life insurance company, doing business in this Commonwealth, are not of a net cash value equal to its liabilities, counting as such the net value of its policies, which shall be valued according to the American experience table of mortality, with interest at four per centum, it shall be the duty of the commissioner of insurance to give ten days' notice to such company to appear before the State corporation commission and show cause why its license or certificate of authority, as the case may be, to transact business in this State, should not be suspended or revoked, until such time as its funds become equal to its liabilities, valuing its policies in manner aforesaid. After proceeding in the manner prescribed by section thirteen of chapter one of this act, the said commission may either suspend or revoke the license or certificate of authority of such company to transact business in this State, subject, however, to the right of appeal by such company to the supreme court of appeals as in said section of said chapter provided. The action of the said State corporation commission, either suspending or revoking the license or certificate of authority of any such company shall, upon final judgment, or unless it shall appeal from the action of the commission in sixty days, be published in like manner as provided by said section thirteen of chapter one. Any such company or any officer or agent thereof, who, after such suspension or revocation of its license or certificate of authority to do business in this State, issues a new policy for or on behalf of such company, before its said license or certificate of authority to do business is restored, shall be subject to a fine for each offense of not less than one hundred dollars nor more than one thousand dollars.

5. Any corporation incorporated as a mutual life insurance company under the laws of this State is hereby authorized to reincorporate as a stock company under its existing corporate name.

6. Before the State corporation commission shall issue a certificate of such reincorporation it shall be satisfied that the application for such reincorporation has been approved by a majority of votes of the members of the company, in person or by proxy, at a meeting of the insured called to consider the same, of which a written or printed notice shall have been mailed to each member, who shall have been such for thirty days, directed to his address, appearing on the company's books, at least fifteen days before the day fixed for such meeting.

7. Upon such reincorporation said company shall be entitled to all the assets, and shall be subject to all the existing liabilities of the present company, including all contracts, policies or certificates with its members, and agreements between such members and the subscribers to any guaranty or any reserve fund heretofore made or approved at an annual meeting of the members, or which may be ratified at the meeting called to consider such reincorporation.

8. Any such company reincorporating under this act shall, upon application for license to do business in this State, be allowed, as a credit upon its license for the residue of the current year, an amount on account of license already paid for the year, proportionate to the unexpired portion of the year for which such license has been paid.

9. Any company availing itself of the provisions of the four preceding sections shall deposit with the treasurer of the State not less than fifty thousand dollars of solvent bonds of the character required by this act: provided, companies availing themselves of the provisions of the four preceding sections may deposit solvent bonds to the amount of one hundred thousand dollars.

#### CHAPTER IV.

##### *Assessment or co-operative life and casualty companies.*

1. No life or casualty company, organized under the laws of this State, on the assessment or co-operative plan, shall commence business with a membership of less than two hundred insurable persons, who have subscribed to become insured therein in the aggregate sum of not less than fifty thousand dollars, and have each paid into its treasury not less than five per centum on the amount of insurance severally subscribed for, in cash, to be held in trust as an emergency fund for the beneficiaries; nor until the said company shall have furnished the commissioner of insurance a statement, under the seal of the company, verified by the oath of its president and secretary or two of its directors, showing the number and names of subscribers for insurance in such company, and the amount paid into its treasury by each subscriber; the amount of actual cash in its treasury, and the amount invested in securities, with a list of such securities, and their actual cash value; nor until the said company shall have obtained a license or certificate of authority to transact business as required by this act, and has otherwise complied with the laws of this State.

2. Every such corporation shall provide in its contracts with policy or certificate holders for the accumulation of an emergency fund, which shall be at all times not less than two per centum of the amount of its maximum policies or certificates issued and in force: provided, that this shall not apply to industrial sick benefit companies, doing business on the assessment plan, which companies shall reserve not less than ten per centum of their gross collections to meet death losses; said fund, together with the income thereon, shall be a trust for the payment of death and disability claims, when the amount realized from assessments upon members shall be insufficient for that purpose: provided, that whenever said emergency fund is in excess of the amount of the maximum policies or certificates issued and in force by the corporation, it may apply such excess, or any portion thereof in reduction of assessments upon policy or certificate holders, or in such other equitable division or apportionment thereof as its rules or contracts may provide. When any such corporation shall discontinue business, any circuit court judge, in vacation or in term of court, may appoint a receiver to administer any unexhausted portion of said fund, which shall be used, less such compensation, not to

exceed five per centum thereof, when the assets exceed five thousand dollars, as such court may allow the receiver; first, in the payment of accrued claims upon certificates or policies, or if insufficient to pay such claims in full, they shall be paid pro rata; second, if a balance remain, in the payment of like claims thereafter accruing in the order of their occurrence.

3. The officers or directors of any such corporation who shall refuse or neglect, for a space of sixty days after the filing of satisfactory proof of the death of any certificate or policy-holder, where the claim so arising is not disputed on account of fraud or want of validity, and where the death or emergency fund is not sufficient to pay said claims, to levy an assessment to provide for the same, shall thereby become liable to the beneficiary under said certificate or policy in a sum not exceeding the face of said claim.

4. Any such corporation, association or society which issues any certificate, policy or other evidence of interest to, or makes any promise or agreement with, its members, whereby, upon the decease of a member, any money or other benefit, relief or aid is to be paid, provided or rendered by such corporation, association or society, to the legal representatives of such member, or to the beneficiary designated by such member, which money, benefit, relief or aid is derived from fees, dues or assessments collected, or to be collected, from the members thereof, or members of a class therein, and interest and accretions thereon, or rebates from amounts payable to the beneficiaries or heirs, and wherein the paying, providing or rendering of such money or other benefit, relief, or aid is conditioned upon the same being realized in the manner aforesaid, and wherein the money or other benefit or aid so realized is applied to the uses and purposes of such corporation, association or society, and the expenses of the management and prosecution of its business, shall be deemed to be engaged in the business of life insurance upon the co-operative or assessment plan, and shall be subject to the provisions of this chapter: provided, this section shall not apply to fraternal benefit associations, as defined in chapter five of this act.

5. Any such corporation, association or society which issues any certificate, policy or other evidence of interest to, or makes any promise or agreement with its members, whereby, upon the sickness or other physical disability of a member, and not by reason of having attained a certain age, any money or other benefit, relief or aid is to be paid, provided or rendered by such corporation, association or society to such member, or beneficiary designated by him, which money, benefit, relief or aid is derived from fees, dues, and assessments, or any of them, collected or to be collected from the members thereof, or members of a class therein, and interest and accretions thereon, and wherein the paying, rendering or providing of such money, or other benefit, or aid is conditioned upon the same being realized in the manner aforesaid, and wherein the money, or other benefit, relief or aid is applied to the uses and purposes of such corporation, association or society, and the expenses of the management and prosecution of its business, shall be deemed to be engaged in the business of casualty insurance upon the co-operative or assessment plan, and shall be subject to the provisions of this chapter:

provided, this section shall not apply to fraternal benefit associations as defined by chapter five of this act.

6. All corporations, companies, societies, organizations or associations of this State, transacting the business of life or casualty insurance on the co-operative or assessment plan referred to in this chapter, shall hold, within the city or county in which the principal office is located in this State, a stated annual meeting of their members and policy-holders, or representatives of local boards or subordinate bodies, in such manner and subject to such regulations, restrictions and provisions as the constitution or by-laws of the same may provide. Every such association, corporation or society, now authorized to do business in this State, must hereafter, before the adoption of any by-law or amendment thereto, cause the same to be mailed to the members and directors of such association, society or corporation, together with a notice of the time and place when the same will be considered, which notice shall be the same as hereinbefore required for a stated meeting. The books and papers of such association shall, at all reasonable times, be open for examination by members or their representatives. But nothing in this section shall apply to industrial sick benefit companies now or hereafter licensed and doing business in this State, according to the general insurance law. All associations, societies, companies, corporations or organizations now transacting or hereafter desiring to transact the business of life or casualty insurance in this State, upon any other plan than that defined in and by this chapter, shall comply with the provisions of the general laws applicable to life and casualty companies, except as provided in chapter five of this act, relating to fraternal benefit orders, associations or societies, which shall be governed by said chapter.

7. No such corporation organized under the laws of this State, unless it be an industrial company or association, shall transfer its risks to or reinsure them in any other corporation, unless the said contract of transfer or reinsurance is first submitted to and approved by a two-thirds vote of a meeting of the insured, called to consider the same, of which meeting a written or printed notice shall be mailed to each member, certificate-holder or policy-holder, at least thirty days before the day fixed for said meeting; and in case said transfer or reinsurance shall be approved, every member, certificate-holder or policy-holder of the said corporation who shall file with the secretary thereof, within ten days after said meeting, written notice of his preference to be transferred to some other corporation than that named in the contract, shall be accorded all the rights and privileges, if any, in aid of such transfer as would have been accorded under the terms of said contract had he been transferred to the corporation named therein. No such corporation, association or society organized under the laws of this State, shall transfer its risks, or assets, or any part thereof, to or reinsure its risks, or any part thereof, in any insurance corporation or association of another State or country, which is not at the time of such transfer or reinsurance authorized to do business in this State under the laws thereof. And any such corporation or association, or officer, manager, director or agent of any such corporation or association of this State, who shall consent to aid or promote any such transfer or reinsurance, shall be fined not exceeding five hundred dollars: pro-

vided, however, that as to fraternal benefit orders, associations or societies, such transfer of risks, assets and membership shall be governed solely in accordance with section ten of chapter five of this act.

8. Each notice of assessment made by any corporation, association or society transacting the business of life or casualty insurance, or both, upon the co-operative or assessment plan, made upon its members, or any of them, shall truly state the cause and purpose of such assessment, and shall also state the amount paid on the last death claim, the cause of death and character of disease, the name of the deceased member, and the maximum face value of the certificate or policy, and if not paid in full, the reason therefor.

9. Nothing in this chapter contained shall be construed to prevent the creation of a reserve fund by any corporation, association or society transacting the business of life or casualty insurance, or both, upon the co-operative or assessment plan, which funds or its accretions, or both, are to be used for the payment of assessments or death losses, or for the benefits in case of physical disability only.

10. Any solicitor, agent, examining physician or other person, who shall knowingly or wilfully make any false or fraudulent statement or misrepresentation in, or with reference to, any application for insurance, or for the purpose of obtaining any money or benefit in any corporation transacting business under this chapter, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in jail for not less than thirty days nor more than one year, or both, at the discretion of the court or jury; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a policy or certificate-holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury.

11. Every policy or certificate hereafter issued by any such corporation shall specify the sum of money which it promises to pay upon the contingency insured against, which shall not be larger than the amount of one assessment upon the entire membership, and the number of days after satisfactory proof of the happening of such contingency at which such payment shall be made; and upon the occurrence of such contingency, unless the contract shall have been voided by fraud or for want of validity, the corporation shall be obligated to the beneficiary for such payment at the time and to the amount specified in the policy or certificate; and this indebtedness shall be a lien upon all the property, effects and bills receivable of the corporation, with priority over all indebtedness thereafter incurred, except as herein provided in the case of the distribution of assets of an insolvent corporation, and as to rights of third parties. If the commissioner of insurance shall be satisfied, on investigation, that any such corporation has refused or failed to make such payment for thirty days after it became due, and after proper demand, he shall notify the State corporation commission, which may suspend or revoke its license or authority to do business, unless such indebtedness shall be fully paid and publish its action after proceeding in the manner provided by section thirteen of chapter one of this act; and

while such revocation or suspension is in force no officer or agent of the corporation shall make, sign or issue any certificate of insurance, nor issue any notice of, nor call upon the members for payment of an assessment; and all moneys received from any source by the corporation, its agents, or officers, shall be forthwith deposited in some bank or trust company to wait a final decision as provided in the following section:

12. Whenever the commissioner of insurance shall have given the notice required by the foregoing section, he shall proceed without delay to investigate the condition of the corporation, and shall have full power in person or by assistant, to examine its books, papers and accounts, and to examine, under oath, its officers, agents, clerks and certificate-holders, or other persons having knowledge of its business; and if it shall appear to him that its liabilities exceed its resources, and that it cannot within a reasonable time, not more than three months from the date of the original default, pay its accrued indebtedness in full, he shall report the facts to the attorney-general, who shall, upon such report, apply to the circuit court of the city of Richmond, or to the judge thereof in vacation, for an order closing the business of the corporation, and appointing a receiver for the distribution of its assets among creditors. No such order shall be made until the corporation shall have had ten days' notice of the application, and an opportunity to be heard. And upon hearing the matter, the court shall have power to make any order which the interest of the corporation and the public may require.

#### CHAPTER V.

##### *Defining and regulating fraternal beneficiary associations, orders or societies.*

1. A fraternal beneficiary association, order or society is hereby declared to be a corporation, society, order or voluntary association which is formed or organized for the purpose of providing benefits, charity, relief or insurance for its members and their beneficiaries, such insurance being issued in the form of certificates of membership therein which provide for the payment of a specified or other sum of money to the beneficiary on the death of the member in consideration of the payment by the member of fixed sums at fixed periods, or of any sums in the form of dues or other assessments as may be provided in its constitution and by-laws: provided, such corporation, society, or voluntary association shall have no capital stock, and has a representative form of government and a lodge system, with ritualistic form of work for the meetings of its lodges, chapters, councils, or other designated subordinate bodies, and the benefits, charity, relief and insurance shall be payable by a grand or supreme body of the same, excepting sick benefits, which may also be paid by local or subordinate bodies of such order: and provided, further, that every such association may provide in its constitution or by-laws that if such regular payments are insufficient to pay all matured death and disability claims in full and to provide for the creation and maintenance of the funds required by its constitution and by-laws, extra assessments or other payments may be levied upon the members: provided, further, that orders or

societies operating upon the plan of levying and collecting post-mortem assessments shall indicate this provision on the face of the certificate. Such grand or supreme bodies may be composed of its officers, incorporators, representatives elected by local, district or grand bodies, past officers and standing committees. Such orders or associations may make a constitution and by-laws, alter and amend the same from time to time, and adopt such other rules and regulations consistent with the existing laws of the State, for the government of all under its authority, for the management of its properties and the due and orderly conduct of its affairs. Said constitution and by-laws when so made, or as changed, altered or amended, shall be the law governing the said association and its officers, and subordinate branches or lodges, and all members and beneficiaries in their beneficial, financial and social relations to such association. Except as provided in section eleven of this act, no such association or order shall admit to beneficial membership any person less than sixteen nor more than sixty years of age. Such orders or associations shall make provision for the payment of benefits in case of death, and may make provision for the payment of benefits in case of sickness, and temporary or permanent physical disability, either as a result of disease, accident or old age: provided, the period of life at which the payment for old age commences shall not be under seventy years. Any such order or association may also accumulate, maintain, apply and disburse among its membership, or their beneficiaries, a reserve or surplus fund as may be provided in its constitution and laws.

The funds from which the payment of benefits shall be made, and the fund from which the expenses shall be defrayed, shall be derived from assessments, dues or other payments collected from its members, as may be provided by the constitution or by-laws of such order or association. Payment of death benefits shall be to families, heirs, blood relatives, affianced husband or affianced wife of, or to persons dependent upon the member, as may be designated by the member, or to such other beneficiaries as may be permitted by the laws of the State or province in which such order or association is chartered.

Each member shall have the right to designate his beneficiary, and from time to time have the same changed in accordance with the by-laws, rules or regulations of the order or associations, and no beneficiary shall have any vested interest in the said benefit until the same has become due and payable upon the death of the member.

All such fraternal beneficiary orders, associations or societies shall be subject to the supervision and direction of the bureau of insurance, within the department and subject to the supervision and control of the State corporation commission, as provided by law, and all such fraternal orders, associations or societies shall be governed by this chapter, and shall be exempt from the provisions of section twelve hundred and seventy-one of the Code, relating to securities to be deposited with the treasurer of this State, and shall be exempt from all other laws of this State relating to corporations organized and doing business under the system of life or casualty insurance known as either the old line or legal reserve plan or the co-operative or assessment plan: provided, however, that nothing in this section shall be construed to exempt such orders, associations or so-

cieties from the operation of any laws governing pleading and evidence, the jurisdiction of courts and the limitations of actions, in suits or actions on insurance policies or certificates.

2. Any fraternal beneficiary order, association or society of this, or any other State, district, province, or Territory, now having members, or any lodge, chapter, council, or subordinate branch duly established and organized in this State, may continue its operations and business in this State: provided, that it hereafter complies with the provisions of this act, and provided it is solvent.

3. Any fraternal beneficiary order, association or society coming within the description as set forth in section one of this act, organized under the laws of any other State, province, district or Territory, not now having lodges, councils or other subordinate bodies, or members in this State, shall be permitted to do business within this State in accordance with this chapter when it shall have filed with the commissioner of insurance a certificate from the official in charge of insurance matters in its home State of incorporation that it is authorized to transact business therein as a fraternal beneficiary order, society or association, also a duly certified copy of its charter and articles of association, and a copy of its constitution and laws, certified to by its secretary or corresponding officer, together with an appointment of the commissioner of insurance as the person upon whom legal process may be served, as hereinafter provided: and provided, such order, association or society is solvent.

4. Each such corporation, society, order or association doing business in this State, shall, on or before the first day of March of each year, make and file with the State corporation commission a report of its affairs and operations during the year ending the thirty-first day of December immediately preceding. Such report shall be made on blanks provided by the State corporation commission, under oath by the duly authorized officers of any such order or association, and shall be published, or the substance thereof, in the annual report of the commissioner of insurance, and shall be in the following form:

*Annual Statement*

For the year ending December 31, 19——.

Of the condition and affairs of the \_\_\_\_\_, organized under the laws of the State of \_\_\_\_\_, made to the auditor of public accounts of \_\_\_\_\_, president, or corresponding title \_\_\_\_\_. first vice-president, or corresponding title \_\_\_\_\_ secretary, or corresponding title \_\_\_\_\_, treasurer, or corresponding title (state what law), \_\_\_\_\_. Incorporated \_\_\_\_\_, nineteen hundred and \_\_\_\_\_, under \_\_\_\_\_, approved \_\_\_\_\_, nineteen hundred and \_\_\_\_\_, chapter \_\_\_\_; organized \_\_\_\_\_, nineteen hundred and \_\_\_\_\_; voluntary association \_\_\_\_\_; commenced business, 190——; home office (give street and number), \_\_\_\_\_.



## One. Balance sheet.

Amount of net ledger assets, December thirty-one, of previous year,  
\$\_\_\_\_\_.

## Two. Income during the year

As shown by the books at the home office at close of business December thirty-one, nineteen hundred and \_\_\_\_\_. Gross amount paid by members to the society as follows:

One. Dues for expenses, per capita tax, etc., \$\_\_\_\_\_.

Two. Assessments: Mortuary, \$\_\_\_\_\_; reserve, \$\_\_\_\_\_; expenses, \$\_\_\_\_\_.

Three. Total received from members, \$\_\_\_\_\_.

Four. Interest, \$\_\_\_\_\_; rent, \$\_\_\_\_\_.

Five. From all other sources—viz.:

Total income during the year..... \$\_\_\_\_\_

Sum of both amounts ..... \$\_\_\_\_\_

## Three. Disbursements during the year.

As shown by the books at home office at close of business.

December 31, 190\_\_\_\_\_.

One. Death claims, \$\_\_\_\_\_; permanent disability claims,  
\$\_\_\_\_\_ ..... \$\_\_\_\_\_

Two. Temporary disability, \$\_\_\_\_\_; old age benefits, \$\_\_\_\_\_ ..... \$\_\_\_\_\_

Three. Payments returned to applicants or members..... \$\_\_\_\_\_

Total paid to members and beneficiaries..... \$\_\_\_\_\_

Four. Commissions, fees, salaries paid or allowed to agents  
for organization of subordinate bodies and upbuilding of  
same ..... \$\_\_\_\_\_

Five. Salaries paid to officers..... \$\_\_\_\_\_

Six. Salaries paid to office employes..... \$\_\_\_\_\_

Seven. Salaries or fees paid supreme or medical supervisors.. \$\_\_\_\_\_

Eight. Rent, \$\_\_\_\_\_; taxes, \$\_\_\_\_\_; advertising, official  
publication and printing, \$\_\_\_\_\_ ..... \$\_\_\_\_\_

Nine. Postage, express and telegraph, \$\_\_\_\_\_; legal ex-  
penses, \$\_\_\_\_\_; governing bodies, \$\_\_\_\_\_; insurance  
departments, \$\_\_\_\_\_; miscellaneous, \$\_\_\_\_\_ ..... \$\_\_\_\_\_

Ten. All other items, viz.:

(Total expenses, footings of items four to ten, \$\_\_\_\_\_). Total  
disbursements ..... \$\_\_\_\_\_

Balance ..... \$\_\_\_\_\_

Invested as follows:

Four. Ledger assets.

As shown by the books at home office at close of business.

December 31, 190—.

One. Book value of real estate, unencumbered, \$———; encumbered, \$———	\$———
Two. Mortgage loans on real estate, first liens, \$———; other than first, \$———	\$———
Three. Loans secured by pledge of bonds, stocks, or other collateral	\$———
Four. Book value of bonds (excluding interest) and stocks owned absolutely	\$———
Five. Personal agents' debit balances, \$———; bills receivable, \$———	\$———
Six. Cash in office, \$———; deposited in bank (name banks and amounts), \$———	\$———
_____	
_____	
_____	
Seven. Total	\$———

Deduct ledger liabilities.

Eight. Personal or agents' credit balances, \$———; borrowed money, \$———; all other, \$———	\$———
Nine. Total net ledger assets as per balance on page —, comprised under the following funds.	\$———
Ten. Mortuary	\$———
Eleven. Reserve	\$———
Twelve. Emergency	\$———
Thirteen. Expense	\$———

Five. Non-ledger assets.

Fourteen. Interest due, \$———; accrued, \$———; on mortgages, \$———	\$———
Fifteen. Interest due, \$———; accrued, \$———; on other assets, \$———	\$———
Sixteen. Rents due, \$———; accrued, \$———; on property or lease, \$———	\$———
Seventeen. Market value of real estate over book value.	\$———
Eighteen. Market value of bonds (not including interest) and stocks over book value	\$———
Nineteen. Assessments due on last call, made within sixty days, on certificates in force.	\$———

Twenty. Assessments to become due on certificates not exceeding one assessment, nor the amount of claims not assessed for per item two of liabilities.....	\$ _____
Twenty-one. Other items .....	\$ _____
Total non-ledger assets .....	\$ _____
Gross assets .....	\$ _____

(Deduct assets not admitted.)

One. Furniture, fixtures and safes, supplies, printed matter, stationery, etc. ....	\$ _____
Two. Personal or agents' debts debit balances unsecured, \$ _____; bills receivable unsecured, \$ _____ .....	\$ _____
Three. Excess of items seventeen and eighteen over charges in liabilities on same account.....	\$ _____
Four. Depreciation of ledger assets to bring same to market value .....	\$ _____
Real estate, \$ _____; bonds and stocks, \$ _____ .....	\$ _____
Five. Other items:	
_____	
_____	
_____	\$ _____
Total non-admitted assets .....	\$ _____
Total admitted assets .....	\$ _____

#### Six. Non-ledger liabilities.

One. Losses on certificates due and unpaid, \$ _____; adjusted, not due, \$ _____ .....	\$ _____
Two. Instalment of annuity benefits not due.....	\$ _____
Three. Losses on certificates not adjusted, \$ _____; resisted, \$ _____ .....	\$ _____
Four. Salaries, rents, expenses, taxes, bills, accounts, fees, etc., due and accrued .....	\$ _____
Five. Advanced assessments .....	\$ _____
All other liabilities—viz.:	
_____	\$ _____
Total liabilities .....	\$ _____
Balance to protect contracts .....	\$ _____

#### Seven. Exhibit of certificates.

Total business during year. Business in Virginia during year.  
 Number, \_\_\_\_\_; amount, \_\_\_\_\_; number, \_\_\_\_\_; amount, \_\_\_\_\_.  
 Certificates in force December thirty-one (beginning of year), \_\_\_\_\_

Certificates written or increased during the calendar year, \_\_\_\_\_

Death losses and claims.

	No.	Amount.	No.	Amount.
Losses and claims unpaid December thirty-one (beginning of year),	—	\$ ———	—	\$ ———
Losses and claims incurred during the calendar year,	—	\$ ———	—	\$ ———
Total,	—	\$ ———	—	\$ ———
Losses and claims paid during the year,	—	\$ ———	—	\$ ———
Losses and claims unpaid (December thirty-one, end of year),	—	\$ ———	—	\$ ———

Disability losses and claims.

Losses and claims unpaid December thirty-one (beginning of year),	—	\$ ———	—	\$ ———
Losses and claims incurred during the calendar year,	—	\$ ———	—	\$ ———
Total,	—	\$ ———	—	\$ ———
Losses and claims paid during the year,	—	\$ ———	—	\$ ———
Losses and claims unpaid December thirty-one (end of year),	—	\$ ———	—	\$ ———

State of \_\_\_\_\_, county of \_\_\_\_\_ss:

\_\_\_\_\_, president (or chief executive officer), and \_\_\_\_\_, secretary (or similar officer), of the \_\_\_\_\_ society, being duly sworn, each for himself deposes and says, that they are the above described officers of the said society, and that on the thirty-first day of December last all the above-described assets were the absolute property of the said society free and clear from any liens or claims thereon, except as above stated; and that the foregoing statement of the assets, liabilities, income and disbursements, and of the condition and affairs of the said society on the said thirty-first day of December last, and for the year ending on that date, according to the best of their information, knowledge and belief, respectively, are true and correct.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_.

5. The commissioner of insurance, or any person or persons appointed by him, shall, at the request of any fraternal beneficiary order or association, or he may of his own volition, examine the books, accounts and assets of any fraternal beneficiary association, order or society operating in this State, for the purpose of verifying the annual report submitted, and all expenses incident thereto, as may be deemed reasonable by the auditor of public accounts, shall be paid by such association, order or society: provided, however, that in case of fraternal beneficiary associations, orders or societies organized under the laws of another State, the commis-

sioner of insurance may accept in lieu of such examination, the examination of the insurance official of said State, Territory or province, under the laws of which such association, order or society is organized and in which it has its home office. In the event of examination, the commissioner of insurance shall furnish to such association, order or society a certificate as to the result of his examination, and he shall furnish to domestic fraternal associations, orders or societies such certificates as may be required by the insurance officials of other States in relation to their business with fraternal beneficiary associations or orders chartered under the laws of this State.

6. Each such corporation, society, or association now doing, or hereafter admitted to do business within this State, and not having its principal office within this State, and not being organized under the laws of this State, shall appoint, in writing, the insurance commissioner, or his successors in office, to be its true and lawful attorney, upon whom all lawful process in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it, which is served on said attorney, shall be of the same legal force and validity as if served upon the order or association, and that the authority shall continue in force so long as any liability remains outstanding in this State, and such service in this State shall alone be a legal service. Copies of such appointment, certified by said commissioner of insurance, shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such association. When legal process against any such order is served upon the said commissioner of insurance, he shall immediately notify the order of such service by letter, prepaid and directed to its secretary or corresponding officer, and he shall, within two days after such service, forward in the same manner a copy of the process served on him to such officer. The plaintiff in such process shall pay to the commissioner of insurance, at the time of such service, a fee of two dollars and fifty cents, which shall be recovered by him as a part of the taxable costs, if he finally prevail in the suit. The commissioner of insurance shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made and by whom made.

7. The commissioner of insurance shall, upon the application of any order, society or association having the right to do business in this State, as provided by this act, issue a permit in writing, authorizing it to do business in this State, for which certificate and all proceedings in connection therewith such order or association shall pay to the said commissioner of insurance a fee of twenty dollars, which shall be in lieu of all fees and license taxes, whether State, county or municipal. This fee shall be paid annually thereafter in advance.

8. It shall be unlawful for any such order, association or society to do business in this State while it is in default in making said report to the State corporation commission. The insurance commissioner shall, within sixty days after failure to make such report, and shall, in case any such order, association or society conduct its business fraudulently, or in any manner fail to comply with this act, give notice of the same, in writing,

to the attorney-general, who shall immediately notify such order, association or society of such complaint and afford it reasonable opportunity on a day named in such notice to show cause why proceedings to exclude it from doing business in this State should not be instituted. If, upon such hearing before him, the attorney-general be of the opinion that such proceedings should be instituted, he shall forthwith institute the same. And if the court, upon hearing, shall be of the opinion that such order, association or society has violated the provisions of this chapter, or has conducted its business fraudulently, the court shall enjoin it from doing business in this State or may make any other order which the court may deem proper in the premises.

Any officer, agent or person attempting to secure new members for any order, association or society which has been excluded from doing business in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars; and each act in violation of this provision shall be constituted a separate offense.

9. Any person who shall act within this State as an officer, agent or otherwise, for any such fraternal beneficiary order or association in soliciting members, which shall have neglected or refused to comply with this act, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified.

10. No domestic fraternal beneficiary association, order or society shall transfer its membership and assets to any association, order or society or insurance corporation not licensed to do business in this State; nor shall such transfer be made to any licensed society, order, association or corporation unless the agreement to so transfer has been approved by a two-thirds vote of the members of the supreme body, or any other body competent to act during recess of the supreme body of such association, order or society whose membership is proposed to be transferred; and by a two-thirds vote of the supreme body or any other body competent to act during recess of supreme body of such order, association or society proposing to accept such membership and assets. Any domestic fraternal beneficiary association, order or society may accept the membership and assets of any other such organization upon such terms and conditions as may be agreed upon by said governing body or bodies authorized to act under the constitution and laws of such order, association or society.

11. Any agent, physician or other person who shall knowingly secure or cause to be secured a certificate of membership on any person without his knowledge or consent, or by means of misrepresentation, false, fraudulent or untrue statements be instrumental in securing a certificate of membership on any aged or infirm person, or in restoring to membership any person not in an insurable condition, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one hundred dollars, nor more than one thousand dollars, or to be imprisoned in a jail not less than thirty days nor more than one year, or both, and the said certificate or renewal so secured shall be absolutely void.

12. And nothing in this act shall be held to affect or to apply to grand or subordinate lodges of masons, knights of pythias (endowment

rank excepted), odd fellows, red men, junior order of American mechanics, or similar orders that do not insure the lives of their members.

## CHAPTER VI.

### *Fire. Marine. Casualty and Indemnity Insurance Companies.*

1. No company incorporated in this State on the stock plan, to transact any insurance business mentioned in section two of this chapter, shall commence business until there has been subscribed and paid into its treasury in cash the full amount of its minimum capital stock, or has the same invested in solvent securities of equivalent cash value; nor until it has furnished to the commissioner of insurance a statement under the seal of the company, verified by the oaths of its president and secretary, or two of its directors, showing the amount of stock subscribed and paid in; the amount of actual cash in its treasury, and the amount invested in securities, with a list of such securities and their actual cash value; and has obtained license or certificate of authority to transact business as required by this act; and has, in all respects, complied with the laws of this State.

2. It shall be lawful for any insurance company, chartered by this State, or by any other State or country, to make insurance of the class or classes mentioned in this section:

First. To insure houses, buildings, and all other kinds of property against loss or damage by fire, lightning, or storm, and to make all kinds of insurance on goods, merchandise or other property in course of transportation, whether on land or water, or any vessel or boat, wherever the same may be.

Second. To make any of the following kinds of insurance: (a) Upon the health of persons, or against injury, disablement or death of persons resulting from travelling or general accidents by land or water, and against liability of the assured for injuries to employees or other persons; (b) upon the lives of horses, cattle or other live stock; (c) upon plate-glass against breakage; (d) upon steam boilers against explosion, and against loss or damage to life or property resulting therefrom, and against loss or damage resulting from the breakage of machinery; (e) against loss by burglary or theft, or both; (f) to examine titles to real property and chattels real, and to procure and furnish information in relation thereto, and make and guarantee the correctness of searches for all instruments, liens or charges affecting the same, and guarantee or insure bonds and mortgages, and the owners of property and chattels real, and others interested therein against loss by reason of defective titles thereto, and other encumbrances thereon; (g) to guarantee and indemnify merchants, traders and those engaged in business and giving credit, from loss and damage by reason of giving and extending credit to their customers and those dealing with them, and to cause itself to be insured in some other solvent company against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loans which it may have made on mortgage, to guarantee the fidelity of persons holding places of public or private trust,

and generally to do and perform all other matters and things proper to promote these objects. No company doing business in this State, save an industrial life insurance company doing a sick benefit business, shall undertake to do more than one of the several kinds of insurance named in this section, unless said company shall first have a paid-up capital, either in cash or invested in solvent securities permitted by this act, of one hundred thousand dollars. Any company doing more than one kind of business, as in this section provided, shall be required to make a report and sworn statement for each kind of business done, such as is required of companies doing but one kind of business in this State; and no company referred to in this chapter, transacting business in this State under this section, shall expose itself to loss on any one risk or hazard to an amount exceeding ten per centum on its paid-up capital and surplus, exclusive of the amount of any such risk secured by collateral, unless the excess shall be reinsured by the same in some good and reliable company having authority to transact business in this State. But this limitation shall not apply to any bonds or sureties furnished to the United States, or to any court or officer thereof. If a company is insolvent, and the president and directors, knowing it, make or assent to further insurance, they shall be personally liable for any loss under such insurance.

3. No such company organized under this or any law of this State shall make distribution of its assets among its stockholders until all risks have ceased, by cancellation or expiration, or have been replaced by the policies of some other solvent company authorized to do business in this State, and all claims against the company have been settled; and no company shall contract to reinsure its risk for the aforesaid purposes without first obtaining the consent and approval of the commissioner of insurance thereto. But nothing in this section shall be construed to prohibit the payment of dividends.

4. To determine the liability on the contracts of insurance of any such insurance company organized under this chapter or under any law of this State, whenever such company renders an annual statement to the bureau of insurance, or when an investigation of the company is made by the commissioner, there shall be reserved on all risks in force on any cargo, or on any goods, merchandise, or other property in course of transportation, the insurance on which shall cease upon the arrival of such cargo, goods, merchandise or other property at its destination, the whole amount of original premiums charged for such risks. On all risks written for a fixed time, not exceeding one year, there shall be reserved fifty per centum of the whole original premiums charged for such risks. On all risks written for a fixed time, and for a time exceeding one year, there shall be reserved the pro rata unearned portion of the whole original premiums charged for such risks; and in calculating the pro rata unearned portion of such premiums, it shall be assumed that the policies date from the middle of the year in which they were issued.



## CHAPTER VII.

*Mutual, Assessment and Co-operative Fire, Lightning and Storms Insurance Companies.*

1. A mutual fire, lightning or storm company or association is hereby declared to be a corporation or association, which has no capital stock, but is organized and carried on for the benefit of its members, and which pays its losses solely from assessments upon its members without distributing any portion of its profits among its policy-holders or members in the shape of dividends, and which confines its business to this State. Such companies or associations may be incorporated under the provisions of the act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three, except that such corporations or associations shall not be required to have any capital stock, and shall be subject to all the general restrictions and shall have all the general powers imposed and conferred upon such corporations by the laws of the State, but such companies or associations shall not be required to make any deposit of bonds or other securities with the treasurer of this State.

2. No fire insurance company, hereafter chartered by this State, to be organized on the mutual, assessment or co-operative plan, shall commence business with a membership of less than twenty-five persons, who shall collectively own property of the value of fifty thousand dollars, or more, and shall have subscribed and agreed to become insured therein; nor until the said company shall have furnished to the commissioner of insurance a statement, under the seal of the company, verified by the oaths of its president and secretary, or two of its directors, showing the number and names of the subscribers for insurance therein; that each subscriber is solvent; the amount of insurance subscribed for by each; and the particular territory to which the business of the company is to be confined; nor until such company shall have obtained a license or certificate of authority to transact business as required by this act, and has otherwise complied with the laws of this State.

3. The directors of every such corporation shall issue policies of insurance, signed by their president and secretary, agreeing in the name of the corporation to pay all damages, not exceeding the amount insured, done to dwelling houses, barns, and their contents, growing crops, and other property not more hazardous, and buildings not more hazardous in cities or villages, detached at such distances as the by-laws of the corporation may prescribe, and their contents and live stock owned on the premises, and while in barns or stables insured, caused by fire, storm or lightning, during the time mentioned in the policy. Every such corporation may issue more than one policy: provided, however, that any such policy may provide for the payment of losses of live stock by lightning occurring at any place to one person, firm or corporation having separate or detached buildings, which it is not prohibited from insuring by this chapter or by its by-laws. Every policy issued shall have attached thereto a printed copy of the by-laws and regulations of the corporation.

4. Every person insured in and by any such corporation shall give his

undertaking in such form as the corporation may prescribe, which form shall be uniform, between and by all the insured, to pay his pro rata share of all losses or damages sustained by any member thereof, from any cause specified in the policy, to the corporation. He shall also pay such reasonable sum for expenses as the by-laws may require. Every policyholder sustaining a loss or damage from any cause specified in the policy, shall notify the president or secretary of the corporation within ten days after such loss or damage, and the proper officers of the corporation shall at once proceed to ascertain and adjust such loss or damage in the manner provided for by the charter and by-laws of the corporation and the provisions of this act.

5. Every such corporation may classify the property or buildings insured therein at the time of insurance, and issue policies under different rates, according to the risk to which they may be subject.

6. Should the amount of any loss or damage exceed the amount of money on hand, such of its officers as may be authorized by the by-laws to do so shall convene the directors or executive committee, who may borrow money on the credit of the corporation sufficient to pay the loss, but no more, and shall make an assessment upon all the property insured pro rata according to its classification, and according to the amount insured, sufficient to pay what the cash in hand falls short of paying or for the whole loss or damage, as the directors or executive committee may decide to be for the best interest of the corporation. If the directors or executive committee deem it to be for the best interest of the corporation, they may, with the authority of the majority in value of the insurance held by members of the corporation, conferred by resolution, by-law, or otherwise previously given, make an estimate of such sums as in their judgment will be necessary to pay all losses, damages and expenses for the current year, and supply any deficiency in the preceding year, and proceed to assess, levy and collect the same of the members of the corporation at such times as, in their discretion, will be most advantageous to the corporation. Such assessment shall be made pro rata upon all the property at such time insured, according to its classification, or according to the amount insured, sufficient to pay the amount so estimated. Not more than one such general assessment shall be made in any one year, nor shall any such assessment be made if more than ten per centum of any previous assessment shall be in the treasury of the corporation, and not at the time required for losses actually suffered. No assessment shall be invalid made in whole or in part for the purpose of paying any money borrowed by the directors or executive committee, which has been used in the payment of any claim for loss or damage against the corporation.

7. The officers of such corporation shall not enter into any contract or agreement, or make any debt of any kind, except for payment of losses or damages and necessary expenses of conducting the affairs of such corporation, as aforesaid, that will require an assessment of more than fifty cents on each one hundred dollars of insurance in force. Neither shall the officers of any such company use for current expenses any money assessed for losses or damages, and all money for such expenses raised by assessment must be so stated in the notices calling for the same.

8. The secretary shall, within thirty days after any assessment has

been made, notify every member of the corporation, by written or printed notice, signed by him, stating the amount due the corporation from the members, the time when and to whom it shall be paid, and the use to be made of the money collected. Such time shall not be less than thirty days nor more than sixty days from the service of the notice, which notice may be served personally or by mail, and, if by mail, service shall be deemed complete when deposited in the post-office at the place where the principal office of the corporation is located, directed to each member at his place of residence or business, and postage prepaid. The expense and cost of collection of the assessment shall be regulated by the by-laws.

9. An action may be brought by the corporation against any member thereof to recover all assessments which he may neglect or refuse to pay, made upon him under the provisions of this act, or by the by-laws of the corporation. If the corporation is compelled to bring any such action in order to collect any such assessment, it may recover the amount so assessed, with fifty per centum thereof to be added thereto in addition to the lawful interest, as a penalty for such neglect and refusal to pay within the time required. Any member who neglects or refuses to pay his assessment may, for such reason, or for any other reason satisfactory to the directors or executive committee, be excluded by a majority of the directors or executive committee, or as the by-laws may prescribe, from the corporation; and, when thus excluded, the secretary shall cancel or withdraw his policy or policies, and notify him of the fact, which shall prevent him recovering for any loss or damage sustained after such exclusion. Such member shall remain liable for the payment of any assessment made prior to his exclusion, and the penalty above provided, in case action has been or shall be brought against him therefor, within twelve months after the time it was due. The officers of every such corporation shall proceed to collect any assessment, when due and unpaid for thirty days; and refusal and neglect on their part to collect such assessment, or to perform any of the duties imposed by this chapter, shall render them liable individually, for the amount lost by any person who loses by their neglect or refusal, and an action for the same may be maintained against them for such loss. If any member of the corporation shall be excluded therefrom, as herein provided, and the policy issued to him cancelled, the secretary shall at once enter the same, with the date thereof, upon the records of the association, and either inform, in person, or by mail the member of such exclusion, and if by mail the postage shall be prepaid, and the notice be addressed to the post-office given in the application or policy; and from and after such personal notice, or five days after mailing said notice as herein required, such policy or policies shall be cancelled, and all liability for such policy or policies shall cease; but the owner shall be entitled to receive from the corporation a repayment of an equitable portion of all unearned money to which he has contributed, if any.

10. No corporation formed for the purpose specified in this chapter shall insure any buildings or property outside of the limits of the territory comprised in its certificate of incorporation, except when members living on or near the boundary line, and having property both within and without the prescribed boundary, that portion thereof without may be

insured; nor shall any such corporation insure any property other than dwelling houses, barns and their contents, and live stock owned on such property, growing crops, and other property, not more hazardous, and buildings in villages or cities detached from other buildings such distances as the by-laws of the corporation may prescribe, and their contents, or live stock owned on such premises.

11. The directors of every corporation formed for the purpose specified in this chapter shall be chosen by the members, or the insured, at the regular meeting of the corporation prescribed in the by-laws, which meeting, if not otherwise provided for, shall be held on the second Tuesday in January each year. At such meetings each person insured shall have one vote, and shall be entitled to vote by proxy under such rules and regulations as may be prescribed by the by-laws, unless prohibited by such by-laws.

12. The president and secretary of any such corporation, whether organized in accordance with this chapter or not, shall make a statement, under oath, to the State corporation commission showing the condition of the corporation on the thirty-first day of December in each year, which shall contain the amount and kind of property insured, the number of policies issued from the time of organization of the corporation up to the time of making the statement; the number insured during the year last past; the amount of insurance accepted, and amount withdrawn, expired and cancelled during the year; the whole amount of insurance in force on December thirty-first: the amount of moneys received during the year by the corporation; the amount of disbursements, specifying the amount paid for fees, salaries, commissions, and all other matters of interest to the corporation or members, that the said commission may require.

13. Any member of any such corporation may withdraw therefrom at any time, by giving thirty days' written notice to the secretary of same, and paying his share of all claims existing against the corporation, and surrendering his policy or policies to the company. Members may be admitted who reside or own property within the territorial limits, upon the same terms and conditions as the original members, subject to the by-laws of the corporation; but non-residents owning property insured in such corporation shall not be eligible to office in the corporation.

14. No such corporation shall insure against any losses except as specified in this chapter; and any officer violating this law shall be fined not less than ten dollars nor more than five hundred dollars, and shall be personally liable for any losses caused by any such violation, either to the association or any member. The provisions of this chapter shall not apply to any purely mutual fire insurance company heretofore chartered and organized and operating on the assessment plan.

## CHAPTER VIII.

### *Guaranty, Trust, Indemnity, Fidelity and Security Companies.*

1. No guaranty, trust, indemnity, fidelity, security or other like company, chartered by this State, shall commence business until the full amount of its minimum capital stock, which shall not in any case be less

than fifty thousand dollars, shall have been subscribed and paid in cash into its treasury, or invested in solvent securities of equivalent cash value; nor until it shall have furnished to the commissioner of insurance a statement, under the seal of the company, verified by the oaths of its president and treasurer, or two of its directors, showing the amount of stock subscribed and paid in; the amount of actual cash in its treasury; the amount invested in securities, with a list of such securities, and their cash value; and containing such other information as the commissioner of insurance shall require; nor until it has obtained license or certificate of authority to transact business as by this act required; and has, in all respects, complied with the laws of this State.

2. Although any such company may become surety for the faithful performance of any trust, duty, contract, agreement, or bond, public or private, official or otherwise, or have assumed any duty or obligation of like nature, as principal or otherwise, or qualified as fiduciary, without conforming to the requirements of this act, and of the laws relating to the same, the undertaking or obligation shall be valid, whether said company was incorporated by the laws of this State or not.

3. Every such company not incorporated by the laws of this State shall, before conducting any business as aforesaid, give bond to the commissioner of insurance, payable to the Commonwealth, with two or more sureties, to be approved by him, in a sum of not less than one thousand nor more than five thousand dollars, at the discretion of such commissioner, with condition to make the returns and pay the tax required by law.

4. Every such company, whether incorporated by the laws of this State or not, shall, by an agent employed to superintend or manage its business in this State, deliver a statement, under oath, to the treasurer of this State of the amount of capital stock of said company; and deposit with him bonds of the State of Virginia, or of the United States, or bonds of the cities or counties of this State to an amount equal to five per centum of its capital stock; and the treasurer shall thereupon give the agent a receipt for the same: provided, that the cash value of the securities so deposited shall not be less than ten thousand dollars, and shall not be more than twenty-five thousand dollars. Said securities shall be assigned to said treasurer and his successors in office in trust for the purposes of this act.

Upon the exhibition of the license from the State corporation commission required by this act, or a certified copy thereof to the commissioner of the revenue of the county, city or district in which an office of the said company in this State is, or is intended to be located, and the payment of the specific license tax which may be imposed thereon, a license shall be issued in the manner prescribed by law to the said company to carry on its business. And if, at the end of the period for which a license is given, the said company desire another license, it shall only be given on compliance with the above requirements and the certificate of the treasurer that the bonds required by this section to be deposited with him are in his possession. The treasurer shall require any such company to make good any depreciation or reduction in value of said securities, and he shall, in the month of December of every year, examine

all securities deposited with him for the purpose of ascertaining whether any of them have depreciated or have been reduced in value.

5. The treasurer, at the time of receiving said bonds, shall give to the company authority to draw the interest thereon as the same may become due and payable, for the use of the company, which authority shall continue in force until the company fails to pay any of its liabilities in this State by reason of its becoming security as aforesaid, or by reason of its assuming any duty or obligation of like nature, as principal or otherwise, or becoming fiduciary, and which failure has been ascertained by agreement of the parties binding on such company, or by judgment, order, or decree of a court of competent jurisdiction against such company, not appealed from, superseded, or stayed; and, in case of such failure so ascertained, the party charged with the payment of such interest shall be notified of such failure, and thereafter such interest shall be payable to the treasurer, to be applied, if necessary, to the payment of such liabilities.

6. If the said company fail to pay any of its liabilities after the same shall have been ascertained by any agreement of the parties, binding on such company, or by judgment, order or decree of a court of competent jurisdiction, against such company, not appealed from, superseded or stayed, the treasurer shall, upon the application of the party to whom the debt or money is due, proceed to sell at auction such an amount of said bonds as, with the interest in his hands, will pay the sum due and expenses of sale, and out of the proceeds of sale pay said sums and expenses: provided, the treasurer shall give the said company, or its agent in this State, ten days' notice, by mail or personally, of the time and place of said application. Any such sale shall be advertised daily for ten days in some newspaper published in the city of Richmond. Such company shall be required to make good any deficit in the amount of its deposit caused by such sale.

7. Upon the bonds deposited as aforesaid with the treasurer, any citizen of this State who may be interested in the faithful performance of any such undertakings or obligations of such company, whether as principal or surety, shall have a lien for the amounts due or to become due in consequence of any failure in the performance, and shall be entitled to be paid ratably out of the proceeds of such bonds, if such proceeds be not sufficient to pay all of the liabilities of such company. Whenever any such company depositing bonds, as aforesaid, shall have become insolvent or bankrupt, or shall have made an assignment for the benefit of its creditors, it shall be the duty of the attorney-general to file a bill in the circuit court of Richmond in the name of any party or person interested in securing the payment or the enforcement of such liabilities, and to convene all parties in interest, and to enforce the said lien. The treasurer shall be made a party and the funds distributed by the court.

8. When the principal of any of the said bonds so deposited is paid to the treasurer, he shall notify, by mail, the company, or its agent in this State, and may pay the money so received by the said company upon receiving like bonds to an equal amount; upon failure of thirty days after receiving said bonds to deliver like bonds to an equal amount to the

treasurer, he may invest the said money in such bonds and hold the same as he held those which were paid off.

9. If such company cease to carry on business in this State, and its liability, whether fixed or contingent, shall have been satisfied or shall have been terminated, upon satisfactory evidence of the fact, to the State corporation commission, it shall order the treasurer to deliver to such company the bonds in his possession belonging to it, or such of them as may remain after paying the liabilities aforesaid; or, if such company shall reduce the amount of its liabilities, both fixed and contingent, below the value of the bonds in possession of the treasurer, on the order of said commission, he shall deliver to such company a part of such bonds.

10. If the treasurer shall dispose of the bonds deposited with him by any such company under the provisions of this chapter, or any part of said bonds otherwise than is provided in this chapter, he shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary for not less than five nor more than fifteen years.

11. Every person who shall so far represent any surety company established in any other State or country, as to receive or transmit applications for suretyship, or to receive for delivery, bonds founded on applications forwarded from this State, or otherwise to procure suretyship to be effected by such company upon the bonds of persons or corporations in this State, shall be deemed as acting as agent for said company, and shall be subject to the restrictions and liable to the penalties herein made applicable to agents of such companies.

12. Every such agent, before transacting business as aforesaid, shall deposit with the State corporation commission a copy of the charter of the company or corporation for which he is agent, as aforesaid, unless a copy thereof has already been deposited with the commission; and every such agent shall also, before transacting any business as aforesaid, deposit with the said commission a statement, signed and sworn to by the president and secretary of the company for which he acts, stating the amount of its capital and the manner of its investments, designating the amount invested in mortgages, in public securities, in stock of incorporated companies (stating what companies); and also the amount invested in other securities, particularizing each item of investment, the amount of existing bonds upon which such company is surety, stating what portion thereof is secured by the deposit with such company, or collateral security, the amount of premium thereon, and the amount of liabilities, specifying therein the amount of outstanding claims, adjusted or unadjusted, due or not due: provided, however, that not more than one such statement need be filed on behalf of such company.

13. Every such agent shall annually, between the first day of January and the thirty-first day of March, also deposit with the State corporation commission a similar statement of the capital of the company which he represents and the investments and risks as aforesaid, showing the actual condition of such company on the last day of the preceding year, signed and sworn to as above directed.

14. The commissioner of insurance shall examine the statements and returns required to be made by the companies and agents, as aforesaid, and if in his opinion any return shall be obscure, defective or unsatisfac-

tory, he shall immediately require answers, under oath, from the agent by whom such obscure, defective or unsatisfactory return shall have been made to such interrogatories as he may deem necessary or proper to be answered in order to explain such return, and exhibit a full and accurate view of the business and resources of the company represented by such agent. Every agent who shall refuse or neglect to answer such interrogatories for the space of thirty days, and continue to act as agent aforesaid, shall be fined not less than fifty nor more than five hundred dollars.

15. The commissioner of insurance, either personally or by a committee appointed by him, consisting of one or more persons not directors, officers or agents of any company mentioned herein doing business in this State, may at any time examine into the affairs of any company incorporated by or doing business in this State. The officers or agents of such company shall exhibit its books to said commissioner or committee, and otherwise facilitate such examination, and the said commissioner or committee may examine, under oath, the officer and agents of any such company in relation to its affairs; and said officer shall, if he deems it best so to do, publish the results of such investigation in one or more newspapers published in this State. Whenever it shall appear to the commissioner of insurance from the statement, or from an examination of the affairs of any surety company, that such company is insolvent, or is conducting its business fraudulently, or refuses or neglects to comply with the laws of the State relating to surety companies, it shall be the duty of the said commissioner to report the facts to the State corporation commission, and the said commission, after proceeding in the manner prescribed by section thirteen of chapter one of this act, shall revoke the license granted to such company, or its agents; and the said commissioner shall, after final judgment, or unless an appeal be taken, within thirty days cause a notice thereof to be published in one or more newspapers published in this State, and the agent or agents of such company, after such notice, shall transact no new business in this State. All expenses of an examination made under the provisions of this section shall be paid by the corporation examined.

16. The commissioner of insurance shall annually, in the month of April in each year, furnish to the clerk of each court in this State a list of the names of all corporations allowed to do business in this State under the provisions of this chapter, together with a statement of the assets and liabilities of each of said corporations; and the said clerk shall file the same in his office, and whenever the State corporation commission revokes the authority of any corporation said commissioner of insurance shall immediately notify the clerk of each court in this State.

17. The commissioner of insurance shall report to the attorney-general any violation of the provisions of this chapter which shall come to his knowledge, and the attorney-general shall cause to be instituted the proper legal proceedings against any person violating any such provisions.

18. If any company mentioned in this act, whether chartered by the laws of this State or not, doing business in this State, fail to make any report required by this chapter, it shall, for every such failure, be fined not less than one hundred nor more than one thousand dollars.



19. If the persons verifying any report mentioned in sections twelve and thirteen of this chapter knowingly make any false statement, they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars.

20. In any criminal prosecution under the two preceding sections the circuit court or corporation court of the county, or corporation wherein the company became security or wherein it qualified as fiduciary or assumed any duty or obligation as principal or otherwise, shall have jurisdiction.

21. Any suit or other civil proceeding may be instituted against any such company in the place in which it has become surety, qualified as fiduciary, or assumed any duty or obligation as principal or otherwise, which may be the subject of suit or other civil proceeding, or such suit or proceeding may be instituted in the place in which the principal obligor, for whom it has become surety, may be sued: provided, however, when the State is a party, plaintiff or defendant, it shall be in the circuit court of the city of Richmond. Process shall be served upon a non-resident company as provided in chapter two of this act, and upon a resident company in the manner prescribed by the general law for the service of notice to or process against a corporation.

22. Civil proceedings against any such company may be instituted in the same manner and form as provided by the laws of this State for proceedings against other corporations.

23. That any company with a paid-up cash capital of not less than two hundred and fifty thousand dollars, incorporated and organized under the laws of any State of the United States or foreign country, for the purpose of transacting business as surety on obligations of persons or corporations, and which has complied with all the requirements of law regulating the admission of such companies to transact business in this State, shall, upon production of evidence of solvency and credit satisfactory to the court or judge, or other officer authorized to approve such bond, be accepted as surety upon the bond of any person or corporation required by the laws of this State, or by any court, judge, or other public officer, or board, or organization, to execute a bond, with surety or sureties, and if such surety company shall furnish satisfactory evidence of its ability to provide all the security required as aforesaid, no additional surety shall be exacted. Such surety shall be released from its liability on the same terms and conditions as are by law prescribed for the release of individuals, and shall have all the rights, remedies and reliefs of an individual guarantor, indemnitor, or surety, it being the true intent and meaning of this section to enable corporations created for that purpose to become the surety on bonds required as aforesaid, subject to all the rights and liabilities of private parties.

24. Any court, judge or other officer whose duty it is to pass upon the account of any person or corporation required to execute a bond with surety or sureties as in section twenty-three of this chapter provided, shall, whenever any such person or corporation has given any such surety company as surety upon said bond, allow in the settlement of such account a reasonable sum for the expense of securing such surety: provided, however, that this allowance shall not be made to any State, county or municipal officer.

25. Any such company which shall execute any bond as surety under the provisions of this chapter, shall be estopped, in any proceedings to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute such instrument or assume such liability.

26. That when any company organized and incorporated under the laws of this State, or of any other State in the United States or foreign country, for the purpose of transacting business as surety on obligations for persons, and having complied with the requirements of law regulating the admission of such companies in this State, shall have heretofore given, or hereafter shall give, any power of attorney, general or special, under its regular corporate seal, to any agent or attorney in fact to sign its corporate name as surety to any obligation, official or otherwise, required by the laws of this State, or any judge or other public officer, organization, or board, and such power of attorney, stating that such signing by such agent or attorney in fact, without the seal of such corporation, shall have the same force and effect as if the corporate seal of such corporation was affixed to such obligations; then, any and all such obligations, heretofore or hereafter, so signed by such agent or attorney in fact, without the seal of such corporation, whether the said agent or attorney in fact has used a scroll by way of a instrument or not, shall, for all purposes, have the same force and effect, and be as binding in all respects upon such corporation as if the seal of such corporation had been duly and regularly affixed thereto.

27. Nothing in any section from sections two to twenty-two inclusive, in this chapter contained, shall be construed to apply to any such company until it shall begin to exercise the powers in reference to which a deposit of securities or reports are by this chapter required to be made, notwithstanding such company under its charter have the right to exercise such powers.

28. Whenever any person or corporation who now, or hereafter may be required or permitted to give a bond, applies for the approval thereof, any officer or body who is now or shall hereafter be required to approve the sufficiency of such bonds, shall accept and approve the same whenever its conditions are guaranteed by a company or corporation duly organized or incorporated under the laws of this State or authorized to do business therein, and which company shall have the certificate of the insurance commissioner of the State authorizing it to do business therein: provided, however, that no securities shall be accepted on any bond for an amount in excess of ten per centum of the paid-up capital plus the surplus and undivided profits of such surety company or corporation, unless the surety shall be secured from the loss thereon beyond that amount by suitable and sufficient collateral agreements of indemnity other than the principal on said bond or by deposit with it in pledge or conveyance to it in trust for its protection of property equal in value to the excess of its liability over such limit, or if such liability is incurred in behalf of or on account of any fiduciary holding property in a trust capacity, by such deposit or other disposition of a suitable and sufficient portion of the estate so held that no further sale, mortgage, pledge or other disposition can be made thereof without such surety's approval: and provided, further, that by the execution of such bond that the surety shall not thereby incur in the aggregate on behalf or on account of any

one person, partnership, association or corporation a liability for an amount larger than one-tenth of its paid-up capital plus its surplus and undivided profits, unless it shall be secured from loss thereon beyond that amount by suitable and sufficient collateral agreements of indemnity or other protection, as hereinbefore provided.

29. All acts and parts of acts in conflict with this act are repealed.

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CHAP. 113.—An ACT appropriating the public revenue for the two fiscal years ending, respectively, on the 28th day of February, 1907, and the 29th day of February, 1908.

Approved March 9, 1906.

1. Be it enacted by the general assembly of Virginia, That the public taxes and arrears of taxes due prior to the first day of March, in the years nineteen hundred and seven and nineteen hundred and eight, respectively, as well as the revenue derived from all other sources, and all money not otherwise appropriated which shall come into the treasury prior to the first day of March, nineteen hundred and seven, and the first day of March, nineteen hundred and eight, respectively, shall establish a general fund, and be, and the same is hereby, appropriated for the fiscal years to close on the twenty-eighth day of February, nineteen hundred and seven, and the twenty-ninth day of February, nineteen hundred and eight, respectively, in the following manner and for the following uses—to-wit:

For the fiscal year ending on the twenty-eighth day of February, nineteen hundred and seven:

Governor, salary of, five thousand dollars.

Governor's secretary, salary of, eighteen hundred dollars.

Governor's assistant secretary, who shall be the governor's messenger, salary of, not exceeding nine hundred dollars.

Labor at executive mansion, nine hundred dollars.

Attorney-general, salary of, three thousand five hundred dollars.

Attorney-general, assistant to, salary of, twenty-five hundred dollars; stenographer, salary of, nine hundred dollars.

Attorney-general, contingent expenses of office, exclusive of mileage, not exceeding four hundred dollars.

Attorney-general, for mileage at ten cents per mile for every mile of necessary travel on business of the State, a sum sufficient therefor.

To defray the expenses of defending any suit now pending or hereafter brought involving the validity of the Constitution or the second article thereof. The unexpended balance appropriated under chapters forty and two hundred and two of the acts of nineteen hundred and two, three, and four, or so much thereof as may be necessary, of three thousand nine hundred and eleven dollars and forty-five cents, which may be expended during the two fiscal years ending on the twenty-ninth day of February, nineteen hundred and eight.

Secretary of the Commonwealth, salary of, two thousand eight hundred dollars; all fees of office shall be paid into treasury.

Secretary of the Commonwealth, three clerks in office, two thousand nine hundred dollars.

Secretary of the Commonwealth, contingent expenses of office, not exceeding six hundred dollars.

Auditor of public accounts, salary of, four thousand dollars.

Auditor of public accounts, clerks in office, fourteen thousand one hundred and fifty dollars.

Auditor of public accounts, receiving and forwarding clerk and messenger, one thousand four hundred dollars.

Auditor of public accounts, contingent expenses of office, not exceeding one thousand dollars.

Auditor (second), salary of, seventeen hundred dollars, and commissions allowed by law.

Auditor (second), clerks in office, three thousand two hundred and eighty dollars.

Auditor (second), contingent expenses of office, not exceeding three hundred dollars, and the further sum of two hundred and fifty dollars for additional filing cases.

Treasurer, salary of, two thousand dollars, and commissions allowed by law.

Treasurer, clerks in office, which shall include the compensation of the funding clerk, under funding acts of eighteen hundred and eighty-two and eighteen hundred and ninety-two, seven thousand one hundred and thirty-five dollars, which shall include the salary of one additional clerk.

Treasurer, contingent expenses of office, not exceeding two hundred dollars, and so much additional as may be necessary to purchase an approved style of adding machine not exceeding two hundred and fifty dollars therefor.

Superintendent of public printing, salary of, one thousand five hundred dollars.

Superintendent of public printing, salary of clerk to, nine hundred dollars.

Register of land office and superintendent of public buildings, salary of, one thousand eight hundred dollars, which shall be his compensation for all his services, and all the fees received by him shall be paid into the treasury of the State.

Register of the land office, contingent expenses of office, one thousand five hundred dollars, which shall be expended by said register with due regard to the walks, trees, grass and shrubbery of the capitol square, and the protection and the feeding of the squirrels.

And such additional sum as may be necessary for the due and proper insurance of the property under his charge, an itemized report of which expenditure shall be made by said register to the general assembly.

Penitentiary:

Salary of superintendent of penitentiary, one thousand six hundred dollars.

Salary of surgeon at penitentiary, one thousand two hundred dollars.

Salary of assistant superintendent at penitentiary, one thousand two hundred dollars.

Salaries of four keepers at penitentiary, each seven hundred and twenty dollars.

Salaries of clerks at penitentiary, three thousand dollars.

Salary of matron at penitentiary, six hundred dollars.

Salaries of five directors of the penitentiary, at the rate of three dollars for every day's attendance on the board: provided, that no director shall receive more than two hundred dollars per annum.

Salaries of interior and exterior guards at the penitentiary, not to exceed fifty-one in number (not to be paid when absent on furlough for more than ten days in any year, but substitute guards shall receive the same pay when employed as the regularly employed guards), each six hundred and sixty dollars, thirty-three thousand six hundred and sixty dollars, or so much thereof as may be necessary.

For transportation of criminals to and from the penitentiary, six thousand dollars, or so much thereof as may be necessary.

State farm:

Such guards as may be necessary at the State farm, not exceeding twenty-two, to be appointed by the superintendent thereof, their compensation to be, each twenty-five dollars per month and their board, each guard to be entitled to fifteen days' vacation annually without deduction of pay, six thousand six hundred dollars, or so much thereof as may be necessary.

Surgeon at State farm, six hundred dollars, and in addition thereto board for himself and horse.

Superintendent at State farm, nine hundred dollars, and in addition thereto board for himself.

Penitentiary.—For supplies of food, clothing, ordinary repairs, extra guards, and incidental expenses, seventy-five thousand dollars, or so much thereof as may be necessary.

State farm.—For supplies of food, clothing, ordinary repairs, extra guards, and incidental expenses, eighteen thousand dollars, or so much thereof as may be necessary.

State corporation commission:

Salaries of three commissioners, each the sum of four thousand dollars, twelve thousand dollars.

Salary of the clerk of the commission, two thousand five hundred dollars.

Salary of the bailiff of the commission, who shall also perform clerical duties, twelve hundred dollars.

Salary of the stenographer of the commission, who shall also perform clerical duties, twelve hundred dollars.

Salary of the first assistant clerk of the commission, one thousand eight hundred dollars; one additional clerk, one thousand two hundred dollars; messenger to the commission, six hundred dollars; one assessment clerk, one thousand five hundred dollars; additional stenographer, nine hundred dollars; additional clerical services, one thousand two hundred dollars.

For incidental and contingent expenses of the commission, five thousand dollars, or so much thereof as may be necessary; and the further sum of fifteen hundred dollars to meet a deficit for nineteen hundred and five.

Commissioner of agriculture and immigration, the sum of two thousand eight hundred dollars, which shall be in full for his services, but all fees of office and all fees accruing shall be paid into the treasury; his clerk, the sum of five hundred dollars; to the Virginia State horticultural society, five hundred dollars, for the purposes now provided by law, as provided in an act entitled an act making an appropriation for the benefit of the Virginia State horticultural society, approved March fourteenth, nineteen hundred and four, which, with all other expenses of the board of agriculture, shall be paid from the fees and taxes collected from fertilizers, if sufficient for that purpose; if not, they shall be paid pro rata from said funds, but in no event shall any part of such salaries or expenses be paid out of the public treasury, if in excess of such fees and taxes collected on fertilizers; should there be any excess from said taxes and fees on fertilizers, the same shall be appropriated as provided by law; five thousand dollars, or so much thereof as may be necessary, to the department of agriculture, to be used in the enforcement of the law prohibiting the sale of adulterated and misbranded food.

Superintendent of public instruction, the sum of two thousand eight hundred dollars and his necessary travelling expenses while engaged in the duties of his office (to be approved by the board of education, not to exceed in the aggregate five hundred dollars.)

Commissioner of labor, salary of, one thousand five hundred dollars; and for the purposes of his office, four thousand five hundred dollars.

Adjutant-general, salary of, two thousand four hundred dollars, which shall include the sum now allowed by law; and for the construction of a partition across the end of the hall adjoining the adjutant-general's office (to give him additional room), and for file cases and furniture, all to be expended under his direction, the sum of eight hundred dollars.

State librarian, salary of, two thousand five hundred dollars.

Assistant State librarian, one thousand six hundred dollars.

Stenographer in State library, seven hundred and fifty dollars.

Salaries of such other assistants and expenses necessary for travelling libraries, the sum of five thousand four hundred dollars, or so much thereof as may be necessary.

Doorkeeper, who shall also act as janitor to the library, seven hundred and twenty dollars.

Two conductors at the library building for the elevator, one for day duty and one for night duty, six hundred dollars each.

One policeman at the library building, six hundred dollars.

One night watchman at the library building, seven hundred and twenty dollars.

One night watchman for court of appeals, seven hundred and twenty dollars.

Two janitors of library offices in library building, six hundred dollars each.

Three engineers for the electric light and power plant, at ten hundred and twenty dollars each; said engineers shall supervise and keep in order the engines and boilers and machinery under their charge.

Three firemen for the electric light and power plant, at six hundred dollars each, who, while on duty, shall be under the control and supervision of the engineer in charge.

Six capitol policemen (one of whom shall be clerk to the register of the land office), the sum of eight hundred and forty dollars each.

Three janitors at the capitol building, the sum of six hundred dollars each.

Two conductors of the elevator at the capitol, one for day duty and one for night duty, who shall also act as guard, eight hundred and forty dollars each.

One janitor for the offices of the governor and the secretary of the Commonwealth, six hundred dollars.

Telephones in public building, five hundred and forty dollars, or so much thereof as may be necessary.

Commissioner of State hospitals, salary of two thousand dollars.

For necessary travelling expenses of commissioner while engaged in the duties of his office, not to exceed three hundred dollars, the same to be paid on the approval of the general board for the State hospitals. No part of the annual appropriation for any hospital shall be used for any expenses of the commissioner.

General assembly:

To pay salaries of members, officers, clerks, assistant clerks, pages, employees, and incidental expenses, and also for mileage of the members, officers, and employees, twenty-five thousand dollars, or so much thereof as may be necessary.

Judiciary department:

Supreme court of appeals:

Salary of the president of the court, four thousand two hundred dollars.

Salaries of four associate judges, at four thousand dollars each, sixteen thousand dollars.

Salary of the clerk of court at Richmond, five hundred dollars.

Salary of the clerk of court at Staunton, three hundred and twenty dollars.

Salary of the clerk of court at Wytheville, three hundred and twenty dollars.

Salary of the reporter of the court, one thousand two hundred dollars.

Salary of the stenographer of the court, one thousand four hundred dollars.

Circuit courts:

Salaries of twenty-three judges, each two thousand five hundred dollars a year, fifty-seven thousand five hundred dollars, and for such other circuit judges as may be elected, so much as may be necessary to pay them two thousand five hundred dollars each.

Salary of the judge of the tenth judicial circuit, three thousand five hundred dollars a year.

City courts:

Salaries of judges of chancery court, law and equity court, and hustings court of the city of Richmond, and the law and chancery court and

the corporation court of the city of Norfolk, each three thousand five hundred dollars, seventeen thousand five hundred dollars.

Salaries of the respective judges of the corporation courts of the cities of Petersburg, Roanoke, Lynchburg, Newport News, Danville, and Staunton, twenty-five hundred dollars each: provided, that the appropriation for the salary of the judge of the corporation court of the city of Staunton shall only become available from and after the proclamation by the governor of that city's having become a city of the first class.

Salary of the judge of the corporation court of the city of Alexandria, two thousand and forty-one dollars and thirty-four cents; and the salaries of the judges of the corporation or hustings courts of the cities of Portsmouth and Manchester each two thousand dollars, six thousand and forty-one dollars and thirty-four cents. Mileage of judges, five thousand dollars, or so much thereof as may be necessary.

Contingent expenses of courts, thirty thousand dollars, or so much thereof as may be necessary.

Civil contingent fund, ten thousand dollars, or so much thereof as may be necessary, and the further sum of eight thousand dollars for improvements at the executive mansion; and the further sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purchase and installation of such equipment and material as may be necessary to heat and light the first and second floor of the State library building from the general heating, lighting and power plant, the same to be expended under the direction of the governor.

Ice, fuel and lights in capitol, library building, executive mansion and power plant, four thousand dollars, or so much thereof as may be necessary.

Criminal charges, including expenses of juries, witnesses, and soforth, the prison association and the negro reformatory, three hundred and twenty-five thousand dollars, or so much thereof as may be necessary, but not more than five hundred dollars each per year shall be paid to the jail physicians of Richmond and Norfolk.

Public printing, thirty-one thousand five hundred dollars, or so much thereof as may be necessary.

Printing records of criminal cases in supreme court of appeals, seven hundred and fifty dollars, or so much thereof as may be necessary.

Virginia reports, to pay printing, binding, and soforth, three thousand dollars, or so much thereof as may be necessary.

#### Oysters:

Salaries and expenses of board of fisheries, four thousand dollars, or so much thereof as may be necessary; and the further sum of five hundred dollars, or so much thereof as may be necessary, for the use of the board of fisheries, to enable the said board to compensate clerks of courts for services performed by them, under an act entitled an act to have plats of oyster planting grounds endorsed abandoned under certain conditions, and to authorize the renting of such ground, approved March fourteenth, nineteen hundred and four; and in addition to said sum, to the unsalaried members of the board of fisheries of Virginia—namely, George B. Keezel, Henry M. Tyler, and R. J. Camp—be paid the sum of four hundred dollars each for extraordinary services performed by them.



Protection of, maintenance of steamers and vessels, twenty thousand dollars, or so much thereof as may be necessary, to be paid out of the oyster tax, and in no event is any portion of it to be paid otherwise than out of said oyster tax.

To pay commissions to commissioners of revenue, examiners of records, postage and express charges on land and property books, and soforth, one hundred thousand dollars, or so much thereof as may be necessary.

To pay pensions, three hundred and fifty thousand dollars, or so much thereof as may be necessary.

Support of lunatics in jail and in charge of private persons, eight thousand dollars, or so much thereof as may be necessary.

State hospitals for the insane:

Central State hospital, for support, one hundred and twenty thousand dollars.

Eastern State hospital, in addition to pay patients, for support, ninety thousand dollars.

Western State hospital, in addition to pay patients, for support, one hundred and ten thousand dollars.

Southwestern State hospital, in addition to pay patients, for support, sixty-five thousand dollars.

Officers and employees of State hospitals for the insane, to be paid out of the amounts appropriated to the institutions, respectively, as follows:

Superintendent of the Western State hospital, two thousand two hundred and fifty dollars.

Superintendent of the Central State hospital, two thousand five hundred dollars.

Superintendent of the Eastern State hospital, two thousand dollars.

Superintendent of the Southwestern State hospital, two thousand dollars.

And where they occupy buildings on the grounds of, or buildings belonging to, the respective institutions, they shall pay therefor such rental as may be fixed by the board of the respective institutions.

First and second assistant physicians of each hospital shall receive each a salary not exceeding one thousand two hundred dollars per annum.

Third assistant physician of each hospital shall receive each a salary not exceeding nine hundred dollars per annum.

Stewards of the Western and Central State hospitals shall each receive a salary not exceeding one thousand dollars per annum.

Stewards of the Eastern and Southwestern State hospitals shall each receive a salary not exceeding eight hundred dollars per annum.

The clerk of each hospital shall receive a salary not exceeding seven hundred and fifty dollars per annum. Each clerk shall perform the duties of secretary to the board of the hospital of which he is a clerk.

The engineer of each hospital shall receive a salary not exceeding seven hundred dollars per annum.

The officers (except superintendents) of the hospitals shall receive in addition to the salaries specified above their board and lodging at their respective hospitals, but shall not receive any additional perquisites or emoluments.

Institutions of learning:

Medical college of Virginia, at Richmond, for support, five thousand dollars.

State female normal school, for support, forty thousand dollars.

University of Virginia, for support, seventy-five thousand dollars, which shall include the ten thousand dollars provided for by an act approved January twenty-third, eighteen hundred and ninety-six (chapter one hundred and thirty-six, acts eighteen hundred and ninety-five, ninety-six), upon condition that the University of Virginia shall give instruction to properly prepared white students from Virginia without charge for tuition or University fee in the academic department of more than ten dollars, which ten dollars shall cover all the items covered by the present University fee of forty dollars, but this shall not interfere with the requirement of the ten dollar contingent deposit.

Virginia military institute, for support, thirty-five thousand dollars, which shall include the expenses of the board of visitors, except the adjutant-general and the superintendent of public instruction, whose expenses shall be paid as provided by law, and which shall also include repairs to buildings, and soforth.

Virginia school for the deaf and the blind, for support, forty-five thousand dollars, and the further sum of one thousand five hundred dollars, or so much thereof as may be necessary, for the treatment of such persons as the superintendent may contract for at the Richmond eye infirmary.

Virginia agricultural and mechanical college and polytechnic institute at Blacksburg, Virginia, sixty-one thousand seven hundred and fifty dollars, which shall include seven hundred and fifty dollars paid under chapter four hundred and twenty-five, acts eighteen hundred and ninety-five and six, and six thousand dollars paid under chapter seven hundred and eighty-six, acts eighteen hundred and ninety-nine and nineteen hundred.

Virginia normal and industrial institute, for support, fifteen thousand dollars.

William and Mary college, for support, thirty-five thousand dollars.

Public schools:

Such sum as will be sufficient to pay the amount required by section fifteen hundred and seven, Code of Virginia, to be applied to the support of the public free schools, and the further sum of four hundred thousand dollars, this latter sum to be turned over to the State board of education, and by that board apportioned, as prescribed by the Constitution, to the public free schools of the several counties and cities of the Commonwealth, except, however, five thousand dollars thereof, which said board is authorized to expend in the maintenance of summer normal institutes.

Confederate soldiers' home, for annuity, thirty thousand dollars, under act of March third, eighteen hundred and ninety-two, and the further sum of five thousand dollars, making a total of thirty-five thousand dollars.

To pay the interest on the public debt, funded under the acts approved February fourteenth, eighteen hundred and eighty-two, February twenty-eighth, eighteen hundred and ninety-two, January thirty-first, eighteen

hundred and ninety-four, and January twenty-third, eighteen hundred and ninety-six, and the amendments thereto, a sum sufficient for that purpose is appropriated, not exceeding eight hundred and seventy-eight thousand dollars, or so much thereof as may be necessary.

Sinking fund.—For the sinking fund, one hundred and sixteen thousand dollars, as provided by the act approved February seventh, nineteen hundred and six.

Cattle quarantine, seven hundred and fifty dollars, or so much thereof as may be necessary.

Crop pest commissioners, all moneys received into the treasury from certificates of registration for selling nursery stock, as provided in section twelve, chapter two hundred and seven, acts nineteen hundred and two and nineteen hundred and three, and the sum of six thousand dollars, which shall include and be in lieu of the appropriation made in said act to be used exclusively for the purposes of the commissioners.

State board of health, four thousand dollars, or so much thereof as may be necessary, to be applied as prescribed by law.

Commissioners to promote uniformity of legislation, expenses of, one hundred and fifty dollars, or so much thereof as may be necessary.

Delinquent lands.—To pay expenses of sales of and fees to clerks, six thousand dollars, or so much thereof as may be necessary.

Erroneous assessments of taxes.—An amount sufficient to pay amounts to be refunded under orders of courts.

Expenses of registration of marriages, four hundred dollars, or so much thereof as may be necessary.

Military fund:

That proportion of the receipts into the State treasury that is provided by chapter two hundred and ninety-three, acts nineteen hundred and two and nineteen hundred and three.

Military contingent fund:

To pay the military forces when aiding the civil authorities, as prescribed by section three hundred and five of the Code of Virginia, a sum sufficient therefor.

To pay for lithographing stamps and seals to be used by notaries and clerks of courts, seventy-five dollars.

For furnishing vault in clerk's office of the house of delegates with steel cases, etcetera, to be paid upon the certificate of the clerk of the house of delegates, fifteen hundred dollars, or so much thereof as may be necessary.

For cleaning, binding and labelling enrolled bills and parchment not already bound, to be paid upon the certificate of the clerk of the house of delegates, five hundred dollars, or so much thereof as may be necessary.

For indexing enrolled bills and parchments not already indexed, to be done by the clerk of the house of delegates after the completion of the work of the present session of the general assembly, as provided by law, the sum of six dollars per day for two hundred and fifty days, in addition to the compensation now provided by law.

*For the fiscal year ending on the twenty-ninth day of February, nineteen hundred and eight.*

Governor, salary of, five thousand dollars.

Governor's secretary, salary of, eighteen hundred dollars.

Governor's assistant secretary, who shall be the governor's messenger, salary of, not exceeding nine hundred dollars.

Labor at executive mansion, nine hundred dollars.

Attorney-general, salary of, three thousand five hundred dollars.

Attorney-general, assistant to, salary of, twenty-five hundred dollars; stenographer, salary of, nine hundred dollars.

Attorney-general, contingent expenses of office, exclusive of mileage, not exceeding four hundred dollars.

Attorney-general, for mileage at ten cents per mile for every mile of necessary travel on business of the State, a sum sufficient therefor.

Secretary of the Commonwealth, salary of, two thousand eight hundred dollars; all fees of office shall be paid into treasury.

Secretary of the Commonwealth, three clerks in office, two thousand nine hundred dollars.

Secretary of the Commonwealth, contingent expenses of office, not exceeding six hundred dollars.

Auditor of public accounts, salary of, four thousand dollars.

Auditor of public accounts, clerks in office, fourteen thousand one hundred and fifty dollars.

Auditor of public accounts, receiving and forwarding clerk and messenger, one thousand four hundred dollars.

Auditor of public accounts, contingent expenses of office, not exceeding one thousand dollars.

Auditor (second), salary of seventeen hundred dollars, and commissions allowed by law.

Auditor (second), clerks in office, three thousand two hundred and eighty dollars.

Auditor (second), contingent expenses of office, not exceeding three hundred dollars.

Treasurer, salary of, two thousand dollars, and commissions allowed by law.

Treasurer, clerks in office, which shall include the compensation of the funding clerk, under funding acts of eighteen hundred and eighty-two and eighteen hundred and ninety-two, seven thousand one hundred and thirty-five dollars, which shall include the salary of one additional clerk.

Treasurer, contingent expenses of office, not exceeding two hundred dollars.

Superintendent of public printing, salary of, one thousand five hundred dollars.

Superintendent of public printing, salary of clerk to, nine hundred dollars.

Register of land office and superintendent of public buildings, salary of, one thousand eight hundred dollars, which shall be his compensation for

all his services, and all the fees received by him shall be paid into the treasury of the State.

Register of the land office, contingent expenses of office, one thousand five hundred dollars, which shall be expended by said register with due regard to the walks, trees, grass and shrubbery of the capitol square, and the protection and the feeding of the squirrels.

And such additional sum as may be necessary for the due and proper insurance of the property under his charge, an itemized report of which expenditure shall be made by said register to the general assembly.

Penitentiary.

Salary of superintendent of penitentiary, one thousand six hundred dollars.

Salary of surgeon at penitentiary, one thousand two hundred dollars.

Salary of assistant superintendent at penitentiary, one thousand two hundred dollars.

Salaries of four keepers at penitentiary, each seven hundred and twenty dollars.

Salaries of clerks at penitentiary, three thousand dollars.

Salary of matron at penitentiary, six hundred dollars.

Salaries of five directors of the penitentiary, at the rate of three dollars for every day's attendance on the board: provided, that no director shall receive more than two hundred dollars per annum.

Salaries of interior and exterior guards at the penitentiary, not to exceed fifty-one in number (not to be paid when absent on furlough for more than ten days in any year, but substitute guards shall receive the same pay when employed as the regularly employed guards), each six hundred and sixty dollars, thirty-three thousand six hundred and sixty dollars, or so much thereof as may be necessary.

For transportation of criminals to and from the penitentiary, six thousand dollars, or so much thereof as may be necessary.

State farm:

Such guards as may be necessary at the State farm, not exceeding twenty-two, to be appointed by the superintendent thereof, their compensation to be, each twenty-five dollars per month and their board, each guard to be entitled to fifteen days' vacation annually without deduction of pay, six thousand six hundred dollars, or so much thereof as may be necessary.

Surgeon at State farm, six hundred dollars, and in addition thereto board for himself and horse.

Superintendent at State farm, nine hundred dollars, and in addition thereto board for himself.

Penitentiary.—For supplies of food, clothing, ordinary repairs, extra guards, and incidental expenses, seventy-five thousand dollars, or so much thereof as may be necessary.

State farm.—For supplies of food, clothing, ordinary repairs, extra guards, and incidental expenses, eighteen thousand dollars, or so much thereof as may be necessary.

State corporation commission:

Salaries of three commissioners, each the sum of four thousand dollars, twelve thousand dollars.

Salary of the clerk of the commission, two thousand five hundred dollars.

Salary of the bailiff of the commission, who shall also perform clerical duties, twelve hundred dollars.

Salary of the stenographer of the commission, who shall also perform clerical duties, twelve hundred dollars.

Salary of the first assistant clerk of the commission, one thousand eight hundred dollars; one additional clerk, one thousand two hundred dollars; messenger to the commission, six hundred dollars; one assessment clerk, one thousand five hundred dollars; additional stenographer, nine hundred dollars; additional clerical services, one thousand two hundred dollars.

For incidental and contingent expenses of the commission, five thousand dollars, or so much thereof as may be necessary.

Commissioner of agriculture and immigration, the sum of two thousand eight hundred dollars, which shall be in full for his services, but all fees of office and all fees accruing shall be paid into the treasury; his clerk, the sum of five hundred dollars. To the Virginia State horticultural society, five hundred dollars for the purposes now provided by law, as provided in an act entitled an act making an appropriation for the benefit of the Virginia State horticultural society, approved March fourteenth, nineteen hundred and four, which, with all other expenses of the board of agriculture, shall be paid from the fees and taxes collected from fertilizers, if sufficient for that purpose; if not, they shall be paid *pro rata* from said funds, but in no event shall any part of such salaries or expenses be paid out of the public treasury, if in excess of such fees and taxes collected on fertilizers; should there be any excess from said taxes and fees on fertilizers, the same shall be appropriated as provided by law: five thousand dollars, or so much thereof as may be necessary, to the department of agriculture, to be used in the enforcement of the law prohibiting the sale of adulterated and misbranded food.

Superintendent of public instruction, the sum of two thousand eight hundred dollars and his necessary travelling expenses while engaged in the duties of his office, to be approved by the board of education, not to exceed in the aggregate five hundred dollars in one year.

Commissioner of labor, salary of, one thousand five hundred dollars; and for the purposes of his office, four thousand five hundred dollars.

Adjutant-general, salary of, two thousand four hundred dollars, which shall include the sum now allowed by law.

State librarian, salary of, two thousand five hundred dollars.

Assistant State librarian, one thousand six hundred dollars.

Stenographer in State library, seven hundred and fifty dollars.

Salaries of such other assistants and expenses necessary for travelling libraries, the sum of five thousand four hundred dollars, or so much thereof as may be necessary.

Doorkeeper, who shall also act as janitor, to the library, seven hundred and twenty dollars.

Two conductors at the library building for the elevator, one for day duty and one for night duty, six hundred dollars each.

One policeman at the library building, six hundred dollars.

One night watchman at the library building, seven hundred and twenty dollars.

One night watchman for court of appeals, seven hundred and twenty dollars.

Two janitors of library offices in library building, six hundred dollars each.

Three engineers for the electric light and power plant, at ten hundred and twenty dollars each. Said engineers shall supervise and keep in order the engines and boilers and machinery under their charge.

Three firemen for the electric light and power plant, at six hundred dollars each, who, while on duty, shall be under the control and supervision of the engineer in charge.

Six capitol policemen (one of whom shall be clerk to the register of the land office), the sum of eight hundred and forty dollars each.

Three janitors at the capitol building, the sum of six hundred dollars each.

Two conductors of the elevator at the capitol, one for day duty and one for night duty, who shall also act as guard, eight hundred and forty dollars each.

One janitor for the offices of the governor and the secretary of the Commonwealth, six hundred dollars.

Telephones in public building, five hundred and forty dollars, or so much thereof as may be necessary.

Commissioner of State hospitals, salary of, two thousand dollars.

For necessary travelling expenses of commissioner while engaged in the duties of his office, not to exceed three hundred dollars, the same to be paid on the approval of the general board for the State hospitals. No part of the annual appropriation for any hospital shall be used for any expenses of the commissioners.

General assembly:

To pay salaries of members, officers, clerks, assistant clerks, pages, employees and incidental expenses, and also for mileage of members, officers and employees, thirty thousand dollars, or so much thereof as may be necessary.

Clerk of house of delegates, two dollars per day for each day the said clerk does not receive ten dollars per day, a sum sufficient.

Document clerk and librarian of the senate, salary of, two dollars per day, seven hundred and thirty dollars.

Judiciary department:

Supreme court of appeals:

Salary of the president of the court, four thousand seven hundred dollars.

Salaries of four associate judges, at four thousand five hundred dollars each, eighteen thousand dollars.

Salary of the clerk of court at Richmond, five hundred dollars.

Salary of the clerk of court at Staunton, three hundred and twenty dollars.

Salary of the clerk of court at Wytheville, three hundred and twenty dollars.

Salary of the reporter of the court, one thousand two hundred dollars.

Salary of the stenographer of the court, one thousand four hundred dollars.

**Circuit courts:**

Salaries of twenty-three judges, each two thousand five hundred dollars a year, fifty-seven thousand five hundred dollars, and for such other circuit judges as may be elected, so much as may be necessary to pay them two thousand five hundred dollars each.

Salary of the judge of the tenth judicial circuit, three thousand five hundred dollars a year.

**City courts:**

Salaries of judges of chancery court, law and equity court and hustings court of the city of Richmond, and the law and chancery court and the corporation court of the city of Norfolk, each three thousand five hundred dollars, seventeen thousand five hundred dollars.

Salaries of the judges of the corporation or hustings courts of the cities of Petersburg, Lynchburg, Roanoke, Danville, Alexandria, Portsmouth, Staunton, and Newport News, each two thousand five hundred dollars, twenty thousand dollars.

Salary of the judge of the corporation court of the city of Manchester, two thousand dollars.

Mileage of judges, five thousand dollars, or so much thereof as may be necessary.

Contingent expenses of courts, thirty thousand dollars, or so much thereof as may be necessary.

Civil contingent fund, ten thousand dollars, or so much thereof as may be necessary.

Ice, fuel and lights in capitol, library building, executive mansion and power plant, four thousand dollars, or so much thereof as may be necessary.

Criminal charges, including expenses of juries, witnesses, and soforth, the prison association, and the negro reformatory, three hundred and twenty-five thousand dollars, or so much thereof as may be necessary, but not more than five hundred dollars each per year shall be paid to the jail physicians of Richmond and Norfolk.

Public printing, twenty-eight thousand dollars, or so much thereof as may be necessary.

Printing records of criminal cases in supreme court of appeals, seven hundred and fifty dollars, or so much thereof as may be necessary.

Virginia reports, to pay printing, binding, and soforth, three thousand dollars, or so much thereof as may be necessary.

**Oysters:**

Salaries and expenses of board of fisheries, four thousand dollars, or so much thereof as may be necessary.



Protection of, maintenance of steamers and vessels, twenty thousand dollars, or so much thereof as may be necessary, to be paid out of the oyster tax, and in no event is any portion of it to be paid otherwise than out of said oyster tax.

To pay commissions to commissioners of revenue, examiners of records, postage and express charges on land and property books, and so forth, one hundred thousand dollars, or so much thereof as may be necessary.

To pay pensions, three hundred and fifty thousand dollars, or so much thereof as may be necessary.

Support of lunatics in jail and in charge of private persons, eight thousand dollars, or so much thereof as may be necessary.

State hospitals for the insane :

Central State hospital, for support, one hundred and twenty thousand dollars.

Eastern State hospital, in addition to pay patients, for support, ninety thousand dollars.

Western State hospital, in addition to pay patients, for support, one hundred and ten thousand dollars.

Southwestern State hospital, in addition to pay patients, for support, sixty-five thousand dollars.

Officers and employees of State hospitals for the insane, to be paid out of the amounts appropriated to the institutions, respectively, as follows :

Superintendent of the Western State hospital, two thousand two hundred and fifty dollars.

Superintendent of the Central State hospital, two thousand five hundred dollars.

Superintendent of the Eastern State hospital, two thousand dollars.

Superintendent of the Southwestern State hospital, two thousand dollars.

And where they occupy buildings on the grounds of or buildings belonging to the respective institution they shall pay therefor such rental as may be fixed by the board of the respective institutions.

First and second assistant physicians of each hospital shall receive each a salary not exceeding one thousand two hundred dollars per annum.

Third assistant physician of each hospital shall receive each a salary not exceeding nine hundred dollars per annum.

Stewards of the western and central State hospitals shall each receive a salary not exceeding one thousand dollars per annum.

Stewards of the eastern and southwestern State hospitals shall each receive a salary not exceeding eight hundred dollars per annum.

The clerk of each hospital shall receive a salary not exceeding seven hundred and fifty dollars per annum. Each clerk shall perform the duties of secretary to the board of the hospital of which he is a clerk.

The engineer of each hospital shall receive a salary not exceeding seven hundred dollars per annum.

The officers (except superintendents) of the hospitals shall receive, in addition to the salaries specified above, their board and lodging at their

respective hospitals, but shall not receive any additional perquisites or emoluments.

**Institutions of learning:**

Medical college of Virginia, at Richmond, for support, five thousand dollars.

State female normal school, for support, forty thousand dollars.

University of Virginia, for support, seventy-five thousand dollars, which shall include the ten thousand dollars provided for by an act approved January twenty-third, eighteen hundred and ninety-six (chapter one hundred and thirty-six, acts eighteen hundred and ninety-five, ninety-six, upon condition the University of Virginia shall give instruction to properly prepared white students from Virginia without charge for tuition or university fee in the academic department of more than ten dollars, which ten dollars shall cover all the items covered by the present university fee of forty dollars, but this shall not interfere with the requirement of the ten dollar contingent deposit.

Virginia military institute, for support, thirty-five thousand dollars, which shall include the expenses of the board of visitors, except the adjutant-general and the superintendent of public instruction, whose expenses shall be paid as provided by law, and which shall also include repairs to buildings, and so forth.

Virginia school for the deaf and the blind, for support, forty-five thousand dollars, or so much thereof as may be necessary, and the further sum of one thousand five hundred dollars for the treatment of such persons as the superintendent may contract for at the Richmond eye infirmary.

Virginia agricultural and mechanical college and polytechnic institute at Blacksburg, Virginia, sixty-one thousand seven hundred and fifty dollars, which shall include seven hundred and fifty dollars paid under chapter four hundred and twenty-five, acts eighteen hundred and ninety-five-six, and six thousand dollars paid under chapter seven hundred and eighty-six, acts eighteen hundred and ninety-nine-nineteen hundred.

Virginia normal and industrial institute, for support, fifteen thousand dollars.

William and Mary college, for support, thirty-five thousand dollars.

**Public schools:**

Such sum as will be sufficient to pay the amount required by section fifteen hundred and seven, Code of Virginia, to be applied to the support of the public free schools, and the further sum of four hundred thousand dollars, this latter sum to be turned over to the State board of education, and by that board apportioned, as prescribed by the Constitution, to the public free schools of the several counties and cities of the Commonwealth, except, however, five thousand dollars thereof, which said board is authorized to expend in the maintenance of summer normal institutes.

Confederate soldiers' home, for annuity, thirty thousand dollars, under act of March third, eighteen hundred and ninety-two, and the further sum of five thousand dollars, making a total of thirty-five thousand dollars.

To pay the interest on the public debt, funded under the acts approved February fourteenth, eighteen hundred and eighty-two, February twenty-eighth, eighteen hundred and ninety-two, January thirty-first, eighteen hundred and ninety-four, and January twenty-third, eighteen hundred and ninety-six, and the amendments thereto, a sum sufficient for that purpose is appropriated, not exceeding eight hundred and seventy-eight thousand dollars, or so much thereof as may be necessary.

**Sinking fund.**—For the sinking fund, one hundred and sixteen thousand dollars, as provided by the act approved February seventh, nineteen hundred and six.

**Cattle quarantine,** seven hundred and fifty dollars, or so much thereof as may be necessary.

**Crop pest commission,** all moneys received into the treasury from certificates of registration for selling nursery stock, as provided in section twelve, chapter two hundred and seven, acts nineteen hundred and two-nineteen hundred and three, and the sum of six thousand dollars, which shall include and be in lieu of the appropriation made in said act to be used exclusively for the purposes of the commissioners.

**State board of health,** four thousand dollars, or so much thereof as may be necessary, to be applied as prescribed by law.

**Commissioners to promote uniformity of legislation,** expenses of, one hundred and fifty dollars, or so much thereof as may be necessary.

**Delinquent lands.**—To pay expenses of sales of and fees to clerks, six thousand dollars, or so much thereof as may be necessary.

**Erroneous assessments of taxes**—An amount sufficient to pay amounts to be refunded under orders of courts.

**Expenses of registration of marriages,** four hundred dollars, or so much thereof as may be necessary.

#### **Military fund:**

That proportion of the receipts into the State treasury that is provided by chapter two hundred and ninety-three, acts nineteen hundred and two and nineteen hundred and three.

#### **Military contingent fund:**

To pay the military forces when aiding the civil authorities, as prescribed by section three hundred and five of the Code of Virginia, a sum sufficient therefor.

To pay for lithographing stamps and seals to be used by notaries and clerks of courts, seventy-five dollars.

2. So much of the public revenue as may be received into the treasury, and the surplus of all other appropriations made previous to this date, unexpended within the two fiscal years hereinbefore provided for, and all other moneys not otherwise appropriated by law, shall constitute a general fund to defray all such expenses authorized by law as are not herein particularly provided for.

3. The annuities to the public institutions of the State and to the State hospitals for the insane shall be paid in monthly installments.

4. It shall not be lawful for the auditor of public accounts to pay the State hospitals, or any other institutions, any money except as is provided for in this act, or in pursuance of some act making a special appro-

priation therefor. And the proper officer of each public institution of the State, for which appropriation is hereby made, shall in his annual report, give an itemized account of the expenditures of such appropriation for such institution; and every officer of the State for whose department appropriations are hereby made shall make annually a report covering an itemized account of the expenditures of such appropriations, and of all other sums received by such institution, department or officers from any source, and such reports and accounts shall embrace the expenditure of all funds appropriated, including the interest on bonds held by such institutions and hereinbefore directed to be paid to them; which reports shall be forwarded to the general assembly and laid before both houses thereof on the first day of each session thereof.

5. All acts and parts of acts inconsistent herewith are hereby repealed.
6. This act shall be in force from its passage.

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CHAP. 114.—An ACT to provide judges for new or additional circuits when created, and for their terms of office.

Approved March 9, 1906.

1. Be it enacted by the general assembly of Virginia, That at the session of the general assembly at which a new or additional judicial circuit is created there shall be chosen by the joint vote of the two houses of the general assembly a judge for such circuit, for a term of eight years, commencing on the first day of February next following his election.

2. The governor shall appoint a judge for such circuit to fill the vacancy between the time the act creating the circuit goes into effect, and the commencement of the term of the judge chosen by the general assembly.

3. An emergency exist to provide judges for the new or additional circuits created at the present session of the general assembly, and this act shall be in force from its passage.

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CHAP. 115.—An ACT to provide for the expense of removing, supporting, and maintaining insane persons; how paid.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That no citizen of the State of Virginia who shall be committed to an insane asylum of the State, their estate or personal representative, shall be charged with any of the expenses attendant therewith, where the estate or effects of such insane person is less than the amount sufficient to support his or her family (where said family is primarily dependent upon such insane person for support), or where said estate is of less value than the sum of two thousand dollars.

2. That the governor of this State be authorized and empowered upon the passage of this act to select a suitable agent, who shall be authorized to take such steps, legal or otherwise, as to him may seem proper, for the enforcement and collection of all unpaid claims, debts and judgments, due and to become due, to the various insane hospitals in this State, for the support and maintenance of such inmates who may have estates out of which said debts, claims or judgments may be enforced under this act, except no claim shall be enforced or collected when the estate is worth less than two thousand dollars, nor where the estate is less than the amount necessary for the support of such insane person or his or her immediate family, and the said agent shall have and receive for his services five per centum of the money actually paid into the State treasury, where such amount is paid without motion or suit, and where motion or suit has been instituted a compensation not exceeding ten per centum of such amount, which shall be in full of all attorneys' fees, except the taxed fee; the said compensation in each case to be fixed and allowed by the court in which suit or motion is instituted.

3. Any money for which any person is liable to any of the insane hospitals of this State for the support and maintenance of any of the inmates therein may be recovered, with interest, from the time it ought to have been paid by warrant, suit or motion, in the name of the hospital or the Commonwealth, as the case may be, and no statute or limitation shall run against any such claim or debt: provided, that no action or suit shall be brought or maintained for any part of any claim which has been due and payable for five years or more. When the suit or motion is brought by the hospital it may be in the circuit court of the county or circuit or corporation court of the corporation in which the defendant resides, and in case of a motion, thirty days' notice thereof shall be given.

4. The said agent shall, before entering on the duty prescribed by this act, enter into and acknowledge a bond in the penalty of five thousand dollars, conditioned for the faithful discharge of his duties, and payable to the Commonwealth of Virginia, with good personal security.

5. All acts and parts of acts in conflict with this act are hereby repealed.

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CHAP. 116.—An ACT to ratify and confirm a contract of lease entered into between the special board of directors of the Southwestern State hospital and United States spruce lumber company.

Approved March 8, 1906.

Whereas the special board of directors of the Southwestern State hospital did, at a meeting held on the twenty-ninth of August, nineteen hundred and four, enter into a contract with the United State spruce lumber company, leasing to said company, for a period of twenty years from that date with the option to extend said lease for an additional term of ten or fifteen years, of a strip of land containing about five and one-half

acres for an annual rental of ten dollars per acre per year, payable annually in advance, said contract of lease being subject to the ratification of the general assembly of Virginia; and

Whereas the said board of directors recommend that said contract be ratified; therefore,

1. Be it enacted by the general assembly of Virginia, That said contract be, and it is hereby, ratified and confirmed.

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CHAP. 117.—An ACT to amend and re-enact section 3057 of the Code of Virginia, as amended by an act approved December 26, 1903.

Approved March 9, 1906.

1. Be it enacted by the general assembly of Virginia, That section three thousand and fifty-seven of the Code of Virginia, as amended by an act approved December twenty-sixth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§3057. Judicial circuit.—The State shall be divided into twenty-nine judicial circuits, as follows:

The county of Norfolk shall constitute the first circuit.

The counties of Nansemond, Southampton, and the city of Norfolk shall constitute the second circuit.

The counties of Prince George, Surry, Sussex, Greensville, and Brunswick, shall constitute the third circuit.

The counties of Chesterfield, Powhatan, Dinwiddie, Nottoway and Amelia and the city of Petersburg shall constitute the fourth circuit.

The counties of Prince Edward, Cumberland, Appomattox and Charlotte shall constitute the fifth circuit.

The counties of Lunenburg, Mecklenburg, Halifax, Campbell and the city of Lynchburg shall constitute the sixth circuit.

The counties of Pittsylvania, Franklin, Henry and Patrick and the city of Danville shall constitute the seventh circuit.

The counties of Madison, Greene and Albemarle shall constitute the eighth circuit.

The counties of Culpeper, Orange, Louisa and Goochland shall constitute the ninth circuit.

The county of Henrico and the city of Richmond shall constitute the tenth circuit.

The counties of Accomac, Northampton, Elizabeth City and the city of Newport News shall constitute the eleventh circuit.

The counties of Richmond, Northumberland, Westmoreland, Lancaster and Essex shall constitute the twelfth circuit.

The counties of Gloucester, Mathews, King and Queen, King William and Middlesex shall constitute the thirteenth circuit.

The counties of New Kent, Charles City, York, Warwick, James City and the city of Williamsburg shall constitute the fourteenth circuit.

The counties of King George, Stafford, Spotsylvania, Caroline and Hanover shall constitute the fifteenth circuit.

The counties of Prince William, Fairfax and Alexandria and the city of Alexandria shall constitute the sixteenth circuit.

The counties of Frederick, Clarke, Warren and Shenandoah shall constitute the seventeenth circuit.

The counties of Augusta and Rockbridge shall constitute the eighteenth circuit.

The counties of Highland, Bath, Alleghany, Craig and Botetourt shall constitute the nineteenth circuit.

The counties of Bedford, Roanoke, Montgomery and Floyd and the city of Roanoke shall constitute the twentieth circuit.

The counties of Pulaski, Carroll, Wythe and Grayson shall constitute the twenty-first circuit.

The counties of Bland, Tazewell and Giles shall constitute the twenty-second circuit.

The counties of Washington and Smyth shall constitute the twenty-third circuit.

The counties of Lee, Wise and Dickenson shall constitute the twenty-fourth circuit.

The counties of Rockingham and Page shall constitute the twenty-fifth circuit.

The counties of Rappahannock, Fauquier and Loudoun shall constitute the twenty-sixth judicial circuit.

The counties of Buchanan, Russell and Scott shall constitute the twenty-seventh circuit.

The counties of Isle of Wight and Princess Anne and the city of Portsmouth shall constitute the twenty-eighth circuit.

The counties of Amherst, Nelson, Buckingham and Fluvanna shall constitute the twenty-ninth circuit.

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CHAP. 118.—AN ACT to authorize the county of Norfolk to acquire the toll roads and toll bridges in said county, and to issue bonds for that purpose.

Approved March 9, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Norfolk county be, and it is hereby, authorized and empowered to issue and sell bonds upon the faith and credit of the said county to an amount not exceeding in the aggregate two hundred thousand dollars, the proceeds of the sale of such bonds, or any of them, to be applied by the commissioners hereinafter designated, or their successors, in the purchase of the toll roads and toll bridges, either or both or all, in Norfolk county.

For these purposes the said board of supervisors is hereby authorized and empowered to issue and sell, at not less than par, either registered or coupon bonds in the denomination of five hundred dollars each, payable in twenty years after their date, such bonds to bear interest at a rate not exceeding five per centum per annum, payable semi-annually; said board of supervisors may issue all of the said bonds hereby authorized at one time and of the same series, or from time to time in different series.

2. A board of toll road purchase commissioners is hereby created, which shall consist of the following seven resident freeholders of said county: Cornelius Thomas, Rufus Kirn, L. M. Silvester, John A. Lesner, W. I. Conover, William G. Parker, and William Sloane, whose duty it shall be to determine a price at which the county of Norfolk may acquire the toll roads and toll bridges, either or both or all. Before such price shall be the amount the county of Norfolk is hereby authorized and empowered to pay for such roads or bridges, the board of supervisors of and the judge of the circuit court for said county shall, after public hearings, duly advertised for sixty days, confirm and ratify the same. But they may reject the same if considered too high; the price or purchase fixed by the toll road commissioners shall not be increased, but only ratified and confirmed or reduced by the board of supervisors of and the judge of the circuit court for Norfolk county.

3. Any vacancy occurring in the said board as hereby created either by death or removal, resignation or failure to qualify, shall be filled by the judge of the circuit court of the said county.

4. The compensation of each member of the board of toll road commissioners shall be five dollars per day for each day actually served. Said compensation shall not exceed one hundred and fifty dollars in any one year. The hire of conveyances used in the inspection of the various roads and bridges the county shall pay.

5. A majority of said board can act, and the action of said majority shall be the report of the board of toll road purchase commissioners.

6. The said bonds shall be executed by the chairman of the board of supervisors and the treasurer of said county with the county seal affixed.

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CHAP. 119.—An ACT to amend and re-enact an act approved March 12, 1904, entitled an act to amend and re-enact section 1 of an act approved March 28, 1903, in relation to changing the boundaries of wards in cities and for increasing or diminishing the number thereof, and to validate and establish the wards in those cities which have been redistricted into wards since the adoption of the present Constitution, and to prevent gerrymandering.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That an act approved March twelfth, nineteen hundred and four, entitled an act to amend and re-enact section one of an act approved March twenty-eighth, nineteen hundred and three, in relation to changing the boundaries of wards in cities and for increasing or diminishing the number thereof, be amended and re-enacted so as to read as follows:

§1. Be it enacted by the general assembly of Virginia, That in each city in this Commonwealth there shall be as many wards as the city council may establish: provided, however, that whenever, by the last United States census or other enumeration made by authority of law, it shall appear that the population in any ward exceeds that of any other ward by as much as three thousand inhabitants, or whenever in the opinion of the council it is necessary, or whenever the corporate limits



of the city shall be extended or contracted, if necessary, it shall be the duty of the city council to redistrict the city into wards, or so change the boundaries of existing wards, or so increase or diminish the number of wards as that no one ward shall exceed any other ward in population by more than three thousand inhabitants. But in no case shall the city council redistrict the city into wards or change the boundaries of existing wards, except in so far as it may be necessary to change such boundaries for the purpose of attaching newly annexed territory to such existing ward or wards as may be contiguous thereto, oftener than once every five years, except upon a recorded vote of three-fourths of the members elected to the council, or three-fourths of the members elected to each branch thereof, when the council is composed of two branches; and in every such case the reason therefor shall be set forth in the ordinance providing for such redistricting: and provided, that whenever the city shall be so redistricted the judge of the corporation or hustings court shall appoint three commissioners, whose duty it shall be to rearrange and revise the registration books of said city, so as to place each registered voter on the proper precinct and ward registration books, and for this purpose the registrars shall, upon the order of the corporation court or judge thereof, deliver to the commissioners so appointed the registration books for the purposes aforesaid. The commissioner shall receive such compensation as the judge of the corporation court may allow to be paid by the city, together with all other expenses incurred thereby. A mandamus shall lie on behalf of any citizen to compel the performance by the council of the duty so prescribed.

2. In all cases in which cities have been redistricted into wards, or in which the boundary lines of existing wards have been changed, the ordinances of the said councils in so doing, which were first adopted since the present Constitution took effect, are hereby validated; and said wards as designated and established thereby, are hereby declared to be the existing wards of said cities, and the time within which the same may be again altered or changed, or said cities redistricted, shall be computed from the date of the adoption of said ordinances, respectively.

3. No ordinance of any city redistricting the same into wards, or changing the bounds of existing wards, which may be adopted between the passage of this act and the time when the same shall take effect, shall be valid unless the same be adopted by a recorded vote of three-fourths of all the members elected to the council, or three-fourths of all the members elected to each branch, where the council is composed of two branches.

4. All acts or parts of acts inconsistent with this act are hereby repealed.

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CHAP. 120.—An ACT to amend and re-enact section 2629 of the Code of Virginia, as amended and re-enacted by an act approved December 10, 1903.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That section twenty-six hundred and twenty-nine of the Code of Virginia, as amended

and re-enacted by an act approved December ten, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§2629. How property of non-resident minor or insane person transferred to foreign guardian or committee.—When any minor or insane person entitled to property or money in this State resides out of it, on the petition of a guardian or committee lawfully appointed and qualified in the State or country of his residence, to which petition such minor or insane person, and the committee of such insane person, if there be one, shall be made parties defendant, and the court shall appoint a guardian ad litem to such minor or insane defendant, who as well as such committee, if there be one, shall answer the petition on oath, the circuit court of the county, or circuit or corporation court of the corporation, in which the estate is, may order the guardian or committee in this State, if there be one, to pay and deliver to such foreign guardian or committee, or his agent or attorney, all personal property and money in his hands belonging to said ward or insane person, and authorize such foreign guardian or committee to sue for, recover and receive all money or personal property which belongs to his ward or insane person, including the accruing rents of his real estate, in like manner as if he were appointed a guardian or committee of such ward or insane person in this State, and remove the same to the State or country in which said foreign guardian or committee was appointed and qualified.

2. Inasmuch as certain non-residents are now entitled to have their estates removed as contemplated by this act, and an emergency exists for the removal of said estates, this act shall be in force from its passage.

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CHAP. 121.—An ACT requiring the chairmen of the boards of supervisors and presidents of city councils to check over and compare the assessments made by the corporation commission of public works in each county and city.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the clerk of the corporation commission shall furnish to the chairman of the board of supervisors of each county, and the president of the council of each city, a list of railroad, canal, telegraph and telephone companies within the said counties and cities, together with the number of miles of said railroads, canals, telephones and telegraphs, and the assessments made thereon by the said corporation commission; and it shall be the duty of the boards of supervisors of the counties and the councils of cities, to forthwith check over and compare said lists and assessments, and ascertain whether they be correct, and to notify the said clerk of the corporation commission accordingly. The said boards of supervisors and councils of said cities may, when there is reason to doubt the correctness of the assessed length of any line, require the county surveyor to make all necessary surveys in order to properly verify the assessment of the corporation commission and appropriate a sum out of the county or city levy to pay said surveyor for such surveys. If any chairman of

the board of supervisors, or president of any city council, fail to call the attention of their respective bodies to the requirements he shall be fined not less than ten dollars nor more than twenty-five dollars for each offense.

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CHAP. 122.—AN ACT to authorize the boards of supervisors of the several counties of this Commonwealth to appropriate county funds to secure historical and physical descriptions of their respective counties, and to edit and publish the same, for distribution at the Jamestown tercentennial exposition and elsewhere, and to select and prepare exhibits of the industrial, agricultural, mineral, and commercial resources of their respective counties, to be exhibited at the Jamestown tercentennial exposition.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the boards of supervisors of several counties of this Commonwealth, in laying the annual levy for the year nineteen hundred and six, may include in said estimates a sum not exceeding one thousand five hundred dollars for each county, for the purpose of securing historical and physical descriptions of said counties, and editing and publishing the same for distribution at the Jamestown tercentennial exposition and elsewhere, and the selection and preparation of exhibits of the industrial, agricultural, mineral and commercial resources, to be exhibited at the said Jamestown tercentennial exposition.

2. The historical and physical descriptions of said counties shall include among other things, as follows: Date of formation; from what territory formed; notable incidents in its history; in what grand division of the State situated; distances from the city of Richmond, and from Hampton roads, and from the nearest general market town, and lines of communication with the same; area in acres, open or forest; geology; general character of soil; minerals; general products; particular industries; average production per acre of usual crops; topography; mileage of railroads, electric lines, turnpikes and graded roads; population, white and colored, in nineteen hundred; assessed value of real and personal property in nineteen hundred and six; number and value of farm animals and stock in nineteen hundred and six; number of soldiers, white and colored, respectively, that enlisted in the Confederate and Union armies; and such other information as may be deemed pertinent by the respective boards of supervisors.

3. Said boards of supervisors of such counties that may determine to prepare such historical and physical descriptions of their respective counties and the selection of said county exhibits, are hereby authorized to co-operate with the Jamestown exposition company, and shall notify the president of the Jamestown exposition company of their intention so to do, and thereupon it shall be the duty of the Jamestown exposition company to have distributed at and during the period of said exposition, such pamphlets containing the historical and physical data as may be sent by the respective boards of supervisors to the Jamestown exposition company for distribution; and said boards of supervisors shall also notify

the Virginia commission for the Jamestown tercentennial exposition of their intention to prepare such historical and physical descriptions of their respective counties and the selection of said county exhibits, and it shall be the duty of said Virginia commission for the Jamestown tercentennial exposition to co-operate with and assist said boards of supervisors in such manner as they may deem wise and expedient, in the selection of said county exhibits, and the said commission for the said Jamestown tercentennial exposition shall arrange for the installation and exhibition of the said county exhibits for the said Jamestown exposition.

4. Immediately upon the approval of this act by the governor, the clerk of the house of delegates shall cause two thousand extra copies of the same to be printed, and shall forthwith mail twenty copies for the chairman of the board of supervisors in each county of the Commonwealth.

5. And because of an emergency in the time limit in which this act may be rendered effective, the same shall be in force from its passage.

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CHAP. 123.—An ACT to amend and re-enact section 1035 of the Code of Virginia of 1887, with reference to the salary of mayors of towns.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That section ten hundred and thirty-five of the Code of Virginia of eighteen hundred and eighty-seven be amended and re-enacted to read as follows:

§1035. The council of a town may adopt rules for the regulation of their proceedings, but no tax shall be levied or corporate debt contracted unless by a vote of two-thirds of the council, which vote shall be by yeas and nays, and recorded in the journal. The mayor shall preside over the said council; and the council may direct the payment to the mayor of a salary not exceeding nine hundred dollars per annum, payable as the council may direct, and anything in the charter of any town in this Commonwealth in conflict with this provision is hereby repealed; and in the event of the absence of the mayor the council may appoint a president pro tempore. A journal shall be kept of their proceedings, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they were read: provided, however, this act shall not become operative in any town in this State until in an election held in such town, the qualified voters thereof shall have voted affirmatively as to the question of the salary of the mayor.

CHAP. 124.—An ACT to authorize the district school board of Capeville school district, in Northampton county, to borrow money for the purpose of providing a suitable school building in that district, and to provide for the payment of the amount so borrowed.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of the Capeville school district, in Northampton county, may borrow not exceeding the sum of two thousand dollars (\$2,000) for the purpose of buying or erecting and furnishing a suitable school building in that district.

2. The said board shall issue its bond or bonds for the money borrowed, payable at such time or times as may be agreed upon, not exceeding ten years after their issue, bearing interest not exceeding the legal rate, and payable annually or semi-annually, as agreed upon. Such bond or bonds shall be signed by the chairman and attested by the clerk of the said board, and shall be countersigned by the chairman of the board of supervisors of said county, sealed with the county seal, and attested by the county clerk.

3. From the school levy for the said district there shall be paid, as it matures, the interest on the bond or bonds hereby authorized, and there shall be set aside annually as a sinking fund, such sums as will provide for the payment of the principal when it matures. Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said board, with the approval of the division superintendent of the schools for said county, may select.

4. The said board shall annually report to the board of supervisors of said county the amount of the debt outstanding, and the amount and condition of the sinking fund.

5. An emergency existing, the immediate preparation of a building for use next session, this act shall be in force from its passage.

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CHAP. 125.—An ACT to amend sections 3, 4, and 7 of an act entitled "an act to incorporate the town of Colonial Beach, Virginia," approved February 25, 1892.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That sections three, four and seven of an act entitled "an act to incorporate the town of Colonial Beach, Virginia," approved February twenty-fifth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§3. The administration and government of the said town shall consist of one principal officer, to be styled the mayor, and six councilmen, who, together with the mayor, shall constitute the council of the town, and such other officers as are hereinafter mentioned, or may be provided for by the council for the efficient government of the said town and carrying out of the provisions of this charter.

Four of the council shall constitute a quorum for the transaction of business, and the mayor shall have a vote only in case of a tie, unless otherwise provided by law. The place and time of meeting of the town council shall be fixed by an ordinance.

§4. The council shall have power to appoint upon the nomination of the mayor, a clerk, treasurer and town sergeant, and such police officers and other officers as may be necessary for the preservation of the peace, good order, property and health of the town, and for carrying into effect the ordinances thereof. The clerk, treasurer and town sergeant shall hold their offices for the term of two years, or until their successors are appointed and qualified, unless removed for cause by the council on recommendation of the mayor.

§7a. The sergeant of the town shall have and exercise the powers and duties of a constable. He shall collect all fines imposed on offenders by the mayor, and perform such other duties as may be prescribed by the mayor and council, and for the faithful performance of his duties shall give such bond, payable to the town of Colonial Beach, as may be prescribed by the town council.

The sergeant in addition to the fees allowed by law for the services so to be performed by him, shall have such compensation as may be prescribed from time to time by the council, which shall not be increased or decreased during his term of office.

He shall forthwith turn over to the treasurer all money belonging to the town coming into his hands from whatever source, and said treasurer shall give him vouchers for the same.

He shall furnish a report to the town council at their regular monthly meeting of all money coming into his hands, and the treasurer's vouchers above mentioned, shall be exhibited with such report.

§7b. The treasurer of said town shall collect all taxes, levies and assessments imposed by the council. He shall handle all money that may be paid into the town and render a monthly statement to the town council, showing all receipts and disbursements. No money shall be paid out by the treasurer for the purposes of the town, and as an officer of the town, except on a warrant of the clerk of the council countersigned by the mayor. He shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto. For the faithful performance of his duties he shall give such bond, payable to the town of Colonial Beach, as may be prescribed by the town council.

The treasurer shall have such compensation as may be prescribed from time to time by the council, which shall not be increased or decreased during his term of office.

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CHAP. 126.—An ACT to authorize the council of the town of Basic City to sell and convey the fee in a part of a certain street and alley.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Basic City is hereby authorized and empowered to sell

and convey the fee in that part of the street of said town called Fourth street from Dinwiddie avenue to the belt line, and in the twenty foot alley running from Fourth street to the belt line. The said council may accept money or property in exchange for the said fee as aforesaid.

Any conveyance of the said fee as aforesaid shall be by deed to the purchaser executed by the mayor of the said town when empowered by a resolution of the said council, the vote upon which shall be recorded upon the minutes of the said council.

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CHAP. 127.—An ACT to amend and re-enact section 4 of an act approved March 3, 1900, entitled an act to authorize the council of the town of New Market to borrow money for certain improvements.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That section four of the act approved March fifth, nineteen hundred, entitled an act to authorize the council of the town of New Market to borrow money for certain improvements be amended and re-enacted so as to read as follows:

§4. The council of the said town of New Market, Virginia, shall have the right, and the said council is hereby authorized annually to levy and collect taxes not exceeding the rate allowed by the general laws of this Commonwealth for towns whose charter does not provide a specific or special rate of taxation; that out of small levy said council of said town of New Market shall lay aside sufficient money to pay the interest on the bonds which yet remain unpaid, and a portion thereof for meeting the payment of the principal of the said bonds; out of said amount of taxes so levied not a greater amount than fifteen cents upon the one hundred dollars of the assessed value of real estate and personal property of said town out of each annual levy shall be appropriated to the payment of the interest as it accrues annually, and to the payment of the principal of said bonds. The residue of the annual levies made under this amended act the council of said town are authorized and empowered to expend and appropriate for any lawful purpose.

This act is regarded as an emergency act, and it is hereby enacted that it shall be in force from its passage.

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CHAP. 128.—An ACT to amend and re-enact an act entitled "an act to incorporate the town of Manassas, as approved April 2, 1873; as amended and re-enacted by an act approved March 18, 1884; as amended and re-enacted by an act approved February 19, 1894; as amended and re-enacted by an act approved February 9, 1898, and as amended and re-enacted by an act approved March 15, 1902."

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That an act to incorporate the town of Manassas, approved April second, eighteen hundred and seventy-three, as amended and re-enacted by an act approved

March eighteen, eighteen hundred and eighty-four, as amended and re-enacted by an act approved February nineteen, eighteen hundred and ninety-four, as amended and re-enacted by an act approved February ninth, eighteen hundred and ninety-eight, and as amended and re-enacted by an act approved March fifteenth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§1. The boundaries of said town shall be the same as declared by the circuit court of Prince William county, by an order made therein on the sixteenth day of December, nineteen hundred and four.

§2. The government of said town shall be vested in a mayor, a council of nine members, clerk and sergeant. The mayor and council shall be chosen by the qualified voters residing within the corporate limits of said town, at an election to be held on the second Tuesday in June, nineteen hundred and seven, and every second year thereafter; and shall hold office for the term of two years, and until their successors are elected and qualified. The said election shall be held by two judges and one clerk, to be appointed by the electoral board for Prince William county, who shall be sworn to faithfully discharge their duties, and shall conduct such election as now provided for by law.

The returns of the election shall be made to the mayor, who shall issue certificates to those elected, countersigned by the clerk. All contests shall be tried and finally determined by the council.

There shall be a meeting of the council on the first Monday in September succeeding the election, at which meeting the mayor and council shall qualify by taking the oath prescribed by law, unless said councilman and mayor shall have qualified prior to such meeting, before any person authorized to administer oaths under the laws of the State of Virginia; and the council at the said meeting, or as soon thereafter as may be expedient, shall appoint a clerk and sergeant, who shall hold office for the term of two years, beginning with the first day of September, at which such council and mayor shall be elected, and until their successors are appointed or elected and qualified.

The sergeant shall execute bond before the mayor, with approved sureties, payable to the said town, and in such penalty as the council may prescribe, and conditioned for the faithful discharge of his duties.

If any person elected or appointed to any office shall fail to qualify on or before the day on which he is to enter upon the duties of his office, or first Monday in September succeeding his election, or shall fail to execute the bond required of him for ten days thereafter, the said office shall be declared vacant, and the vacancy shall be filled by the council.

§3. The mayor shall preside over the meetings of the council, voting only in case of a tie, and shall have the jurisdiction and exercise all the power in civil and criminal cases of a justice of the peace, in addition to the powers conferred on him by this act, and he shall receive the like fees for his services as a justice of the peace. It shall be his duty to communicate to the council, at the end of each fiscal year, or oftener if required by the council, a statement of the government of the said town and its financial condition, with such recommendations as he may deem proper. He shall exercise supervision over the conduct of subordinate



officers, have power to investigate their acts, have access to their official books and documents, and shall have power to suspend or remove such officers for misconduct in office or neglect of duty upon giving him five days' notice in writing, and shall report his action to the council at the next meeting; but in no case shall it be final unless sustained by a majority of the whole council.

§4. In the absence or inability of the mayor, the council shall elect one of its members at a stated meeting as president pro tempore, who shall possess the same power and discharge the duties of the mayor and receive the same fees during such absence or inability.

§5. Whenever a vacancy shall occur in the office of mayor, the council shall fill the vacancy for the unexpired term.

§6. The mayor or any three members of the council may call a special meeting of the council.

§7. The council shall by ordinance fix the time of its stated meetings, and no business shall be transacted at a special meeting except that for which it shall be called. The council shall audit the accounts of the town, and shall have authority to appoint policemen and adopt rules for their government, and to appoint such committees as they may deem proper for the transaction of business; to compel the attendance of members; to punish them for disorderly conduct, and, by a vote of two-thirds of the whole council, to expel a member for malfeasance or misfeasance in office. A majority of the members shall constitute a quorum, but no ordinance or resolution shall be passed appropriating money except by the concurrence of five members on a recorded vote.

The council may use the Prince William county jail, and the jailer is authorized to receive into the said jail all persons committed to his custody by lawful authority; and the jailer shall receive the same fees and be paid the same board for such prisoners by the town of Manassas as are now allowed by law to be paid out of the treasury of the State.

The council shall have control and management of the fiscal and municipal affairs of the said town and of all property belonging to the town; any may make such ordinances and by-laws relating to the same as they may deem proper; and they shall have power to make such ordinances and by-laws as they may deem proper and necessary to carry out the following powers, which are hereby vested in the said council—to-wit: To erect and keep in order all public buildings necessary for the said town; to establish water works within or without the limits of the town; to open and improve streets, avenues or alleys, and have them kept in good order and properly lighted; to prevent the cumbering of streets, sidewalks or alleys, lanes or bridges in the said town in any manner whatever; to regulate and restrain the rate of speed of locomotive engines and cars within the said town; to secure the inhabitants from contagious, infectious or other dangerous diseases; to establish, erect and regulate hospitals; to provide for and enforce the removal of patients to said hospitals; to abate nuisances within the said town at the expense of the person causing the same, or the owner of the ground whereon the same shall be; to prevent and regulate slaughter-houses or the exercise of any dangerous, offensive or unhealthy business or trade therein. If

any ground in said town shall be subject to be covered with stagnant water, or if any ground which has been or shall be dug out or dammed up for ice-ponds, fish-ponds or ponds of any kind whatsoever and the water therein allowed to become stagnant, or if the owner or occupier thereof shall permit any offensive or unwholesome substance to accumulate and remain thereon, the council may cause such ponds to be filled up or properly drained and such substance to be covered or removed, and may collect the expense therefor from the said owner or occupier, by distress and sale, in the same manner in which taxes are collected: provided, reasonable notice shall be given to the owner or his agents, and in case of non-residents, who have no agents, such notice shall be by publication for two weeks in some newspaper published in the said town: and provided, further, that in cases when such nuisance is caused by the action of the town authorities, the town shall pay the expense of abating the same; to regulate the exhibition of fire-works, the discharge of fire-arms and explosives, the use of lights in barns, stables and other buildings, and to restrict the making of bon fires in streets or yards; to prevent hogs, dogs and other animals from running at large in said town, and subject the same to such regulations and taxes as they may deem proper; to prevent the riding or driving of horses or other animals at an improper speed, throwing stones, hooting, yelling and playing ball in the streets, or engaging in any employment or sport in the streets, sidewalks or public alleys, dangerous or annoying to persons, and to punish the abuse or cruel treatment of horses or other animals in the said town; to restrain and punish drunkenness, vagrancy and street begging; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame, and gambling-houses; to prevent and punish lewd and indecent conduct or exhibitions in said town, and for any violation of any such ordinances may impose fines in addition to those described by the laws of the State.

§8. Any member of the council who shall voluntarily absent himself from its meetings consecutively for three months, the office shall be declared vacant, and the vacancy shall be filled by the council.

§9. The police force shall be under the control of the mayor for the purpose of enforcing peace and good order, and each policeman shall have the same power as a constable in criminal cases. The pay and regulations of said police shall be prescribed by the council.

§10. When by the provisions of this act, or the general laws of this State, the council have authority to pass ordinances on any subject, they may prescribe any penalty not exceeding one hundred dollars, and may imprison offenders in the county jail for a term not exceeding ninety days, which fines and costs shall be prosecuted in the name of the town of Manassas, or the offenders may be compelled to work on the streets or other public improvements of the town, until the fine and costs shall be paid.

§11. The council shall not take or use any private property, without making to the owner thereof just compensation for the same; and whenever the council cannot obtain title thereto, the council shall apply to

the circuit court of Prince William county, and condemn the same and as now provided for by general law.

§12. In every case where a street or alley in said town shall hereafter be encroached upon by any fence, building or otherwise, the council may require the owner or occupier of the premises to remove the same, and if such removal is not made within the time prescribed by the council, the council may cause the encroachment to be removed and collect the expenses thereof, with costs, from the owner, in the same manner as taxes are collected. No encroachment hereafter made upon any street or alley, however long continued, shall constitute any adverse possession or confer any right upon the person claiming hereunder as against the said town.

§13. If any person, having been an officer of said town, shall not, within ten days after he shall have vacated the office, and upon the request of the clerk, or within such time thereafter as the council may allow, deliver over to his successor all property, moneys, books and papers belonging to the town or appertaining to such office in his possession or under his control, he shall forfeit to the town a sum not exceeding one hundred dollars, to be sued for and recovered, with costs; and all books, records and documents used in and pertaining to such office shall be deemed the property of the said town.

§14. No license shall be granted to any person, club or corporation to sell ardent spirits, malt liquors, or any mixture thereof, or any bitters containing alcohol, either by wholesale, retail, or to be drunk at the place where sold, within the corporate limits of said town, unless the applicant shall first produce before the court authorized to grant such license the written consent of the town council, and recommendation from the said council that the applicant is a corporation under the laws of some State of the United States, or that the person is sober, discreet and of good moral character, and that the place is suitable and convenient, and such certificate shall further show that the said applicant has paid into the town treasury a sum of not less than seven hundred dollars, nor more than the sum of twelve hundred dollars, as shall be prescribed by the said council; and in no case shall it be lawful for any court to grant any such license outside of the corporation and within one mile of its limits, neither shall it be lawful for said court to grant any such license unless it shall be first satisfied that the sum prescribed by said council has been paid into the said treasury, which sum shall be not less than seven hundred dollars nor more than the sum of twelve hundred dollars for any one year. Any person who shall, without first procuring the license as aforesaid, sell wine, ardent spirits, malt liquors, or any mixture thereof, or alcoholic bitters within the corporate limits of said town, or within one mile of the same, shall be fined twenty dollars for each offense; and if such fine and cost be not paid at once, the offender shall be forthwith committed to jail until the said fine and cost be paid. The mayor shall have jurisdiction to try all violations under this section, and all fines imposed by him shall be for the benefit of said town, and the mayor shall require any person violating the provisions of this section to give bond, with good security, in a reasonable sum, to be of good behavior during the twelve months next succeeding; and in default of

such bond the mayor shall commit the person to the county jail until he shall give such bond. All acts or parts of acts in conflict with this section are hereby repealed in so far as the same relate to the said town of Manassas, or within one mile of the limits thereof.

§15. The sergeant shall have and exercise the power of a constable, and shall receive the like fees for his services as a constable, and shall collect the town taxes, levies and assessments and all fines imposed by the mayor; and the mayor, sergeant and policeman, in criminal and police matters, shall have jurisdiction for one mile from the limits of said town. The sergeant shall keep his books and accounts in such manner as the council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor, the council, or any committee thereof, or any tax-payer of said town. He shall pay no money except on a warrant signed by the clerk and countersigned by the mayor, and shall keep a separate account of such funds and appropriation. He shall report to the council at the end of each fiscal year, and oftener if required by said council, a detailed account of all receipts and expenditures, and publish the same in any newspaper published in said town, if deemed advisable by said council. He shall receive as his compensation for collecting and disbursing the revenue five per centum on the amount collected, and such additional compensation as will not exceed five hundred dollars. The total salary, inclusive of his fees, shall at no time exceed said five hundred dollars. He shall hold all special assessments as a special fund to the payment of the indebtedness for which the assessment was made, and for no other purpose. The said council shall have authority to create the office of town treasurer, who, when appointed by said council, shall collect and receive all money due said town, and disburse the same as provided and applicable to the sergeant by the provisions of this section. He shall keep his books and accounts in such manner as may be prescribed by said council. The said treasurer, when appointed as herein provided, shall be subject to such rules and regulations as may be prescribed by said council. The said treasurer's books shall be subject at all times to the inspection of the mayor, any member of said council or committee thereof, or any tax-payer of said town. The said council shall have authority to pay said treasurer a salary or commission upon receipts for such an amount as it shall see fit: provided, however, the said sergeant's and treasurer's joint salaries shall at no time exceed the sum of five hundred dollars. The said treasurer, when provided for by said council, shall have authority to collect all taxes, licenses and moneys due the said town by the same method as now provided by law and applicable to county treasurers.

§16. No person shall be allowed to qualify as sergeant until he shall have satisfactorily settled his accounts for the preceding year, and if such settlement be not made, the office shall be declared vacant, and the vacancy shall be filled by the council.

§17. The clerk of the council shall attend the meetings of the council and keep a record of the proceedings properly indexed, and shall have the custody of the corporate seal of said town. He shall have the custody of all papers and books belonging to the said town. He shall fur-

nish the mayor a copy of every ordinance, resolution or order which he may require. He shall make out warrants for all claims allowed by the council. He shall publish such reports and ordinances as the council are by this act required to publish, and such other reports and ordinances as the council may direct. He shall make out a list of the tax-payers and of the real and personal property of said town, based on the assessments made by the commissioner of the revenue of the county of Prince William, and shall place on the said list any tax-payer and any real and personal property omitted by the said commissioner of the revenue, with a fair valuation of the said property, and shall issue tickets for the taxes imposed by the council and deliver the same to the sergeant for collection and take his receipt therefor, and the clerk shall issue a license to every person engaged in any business for which a license shall be required within the said town, under such regulations as the council may prescribe, and shall furnish a list of such licenses to the sergeant, and the clerk shall receive such compensation as the council may allow, not exceeding seventy-five dollars per annum.

§18. The council may, in the name of and for the use of said town, contract loans and issue bonds for such improvements as are herein authorized: provided, no such loans shall be contracted except by a two-thirds vote of the council, and which shall be endorsed by a majority of the freehold voters voting on the question, and no bond shall be issued for a greater period than forty years: and provided, further, that in no case shall the aggregate indebtedness of the town exceed at any time fifteen per centum of the assessed value of the real and personal property within the said town. All contracts for the erection of public buildings and improvements shall be let to the lowest responsible bidder, after advertisement for thirty days in any newspaper published in the said town, and the party to whom such contract shall be let shall give such bond as the council may require; but no member of the council or officer of the town shall have any interest in such contract.

§19. The council may raise taxes annually by assessments on the male inhabitants of the said town over the age of twenty-one years, and on all real and personal property in the said town liable to taxation, and on all subjects taxable by the State such sums of money as shall be necessary to defray the expenses of the town: provided, that the taxes on real and personal property shall not exceed one dollar upon one hundred dollars of the assessed value thereof: and provided, further, that the tax on each male inhabitant of the said town over twenty-one years shall not exceed fifty cents: and provided, further, that the said tax-payers shall be exempt from the county road tax and the county capitation tax.

§20. All taxes shall be due and payable on the first day of December; and a penalty of five per centum shall be added on all taxes that remain unpaid on the first day of March following, and on the thirtieth of June following the sergeant shall return a statement of the delinquents and make his annual settlement with the council.

§21. Any payment of taxes by tenant shall be a credit against his landlord.

All goods and chatels wheresoever found may be distrained and sold for taxes assessed thereon, and no deed of trust or mortgage thereon shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed.

§22. There shall be a lien on real estate for the taxes assessed thereon from the commencement of the fiscal year for which they were assessed. The council may require real estate in the town delinquent for the non-payment of the taxes to be sold for said taxes, with interest at the rate of six per centum per annum, and such per centum as the council may prescribe for charges. Such real estate may be sold and may be redeemed in the manner provided by law.

§23. The council may organize a volunteer fire department for the town, and make rules and regulations for the government of the same, and may make such ordinances as they may deem proper to extinguish and prevent fire, to prevent property from being stolen, and to require citizens to render assistance to the fire department in case of need.

§24. The council shall by ordinance provide for any elections not herein provided for, and shall appoint the necessary officers to conduct the same.

§25. The present officers of the town shall be clothed with all the powers herein granted, until the election and qualification of their successors in office as herein provided for.

§26. No penalty shall be imposed under any ordinance passed by the council by virtue of this act, until said ordinance has been published in some newspaper in said town or by hand-bills posted in public places within said town.

§27. Be it further enacted, that all fines heretofore imposed and which may hereafter be imposed by the mayor, shall be for the benefit of said town.

§28. There shall be a lien on the real estate in the town of Manassas for the taxes assessed thereon for the said town from the commencement of the year for which they are assessed, not exceeding five years from the passage of this act, and when any of the said taxes are returned delinquent, a list of the same shall be returned to the clerk of the circuit court of Prince William county, and be by him entered in a book furnished by said town and kept in his said office, the form and manner of entering the same to be similar to that provided by law for the record of delinquent taxes on real estate due the State. In said book there shall also be columns in which shall be entered the names of purchasers, the amount and date of sales of real estate sold for delinquent taxes as provided in this charter. When the taxes so returned delinquent are entered in said record, as herein provided, the same shall be held to be constructive notice of the lien thereof, and the said real estate shall be liable thereto as against creditors in the hands of purchasers or other persons into whose hands the said real estate may pass. And the said real estate may be sold for said taxes, as provided for in this charter, whether owned by the persons in whose name it was assessed or not. After said real estate has been so sold for taxes, the same may be redeemed within such time and by such persons and upon such terms as is provided by law for the

redemption of lands sold for State taxes, except that the money paid for such redemption shall be paid into the treasury of the town of Manassas. Upon the redemption of said real estate the treasurer shall issue to the persons so redeeming it, a certificate to that effect, which shall be presented to the clerk of the circuit court, who shall thereupon mark in the said record the redemption of said real estate, the name of the party redeeming it, with the date thereof. The clerk shall receive for his services a fee of ten cents for each tract or parcel of land so entered in said record, a fee of ten cents for the entry of such sale of real estate, as is provided in this charter, and a fee of twenty-five cents for each redemption so entered, to be paid by the said town of Manassas, and which shall be charged against and be a lien upon said land along with the taxes against the same. The purchaser of all such delinquent lands shall take possession of same directly upon paying into the town treasury the purchase money for same, to have and to hold until it is redeemed, as herein provided. The said town shall have authority to purchase said real estate for any delinquent taxes due the same thereon. At the expiration of the time within which such real estate may be redeemed, if the same has not been redeemed as herein provided, the mayor of the town of Manassas shall execute to the purchaser thereof a deed conveying the same in like manner as is now prescribed by law for the conveyance of real estate by the clerk of the county court, which has been sold for delinquent taxes due the State, and such deed shall convey such title as would be conveyed had the same been sold for delinquent State taxes. Any court of record for Prince William county, on application of the council of the town of Manassas, through the mayor, may order real estate delinquent for the non-payment of taxes to be sold by the sergeant or treasurer for the town, at public auction, for such taxes, at such time as it shall direct, said sale and the advertisement thereof to be made in conformity, as near as may be, to the State law with reference to the sale of delinquent lands. When such sale has been made, the same with the date thereof, the name of the purchaser, and the amount for which said real estate sold, shall be entered by the circuit clerk in the record of delinquent real estate provided for in this section of this act.

§29. The mayor of said town in which any judgment for a fine is rendered, going, in whole or in part, to the said town, may, of his own motion, or upon the complaint of any citizen thereof, issue a *capias pro fine* directed to the sergeant of said town, and upon arrest commit the defendant to jail until the fine and costs are paid, or until the costs are paid where there is no fine.

§30. As the said town desires to issue bonds for the improvement of said town and raise revenue therefor from its license tax, an emergency is hereby declared to exist, and this act shall be in force from its passage.

CHAP. 129.—An ACT to make further appropriations of the public revenues for the two fiscal years ending February 28, 1907, and February 29, 1908, for the following purposes—to-wit: For buildings, industrial and military display at the Jamestown exposition; for improvements of the capitol grounds; installing agricultural museum in capitol building; for buildings and improvements at the university of Virginia, Virginia military institute, State female normal school, Virginia polytechnic institute, William and Mary college, epileptic colony, prison association of Virginia, Virginia normal and industrial institute, negro reformatory association, and for the establishing of travelling school libraries, and the purchase of a steamer for the board of fisheries, and for other purposes.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the following named sums of money be, and the same are hereby, appropriated out of any moneys in the treasury, not otherwise appropriated, for the following purposes and subject to the following restrictions and conditions—to-wit:

Thirty thousand dollars, or so much thereof as may be necessary, for the purposes of a military display and for public State entertainments at and during the Jamestown exposition, to be expended under the direction of the governor. The auditor of public accounts is hereby authorized to issue warrants upon the treasurer of the State for the payment thereof until the said sum of thirty thousand dollars has been exhausted, upon the presentation of orders therefor signed by the adjutant-general and approved by the governor.

2. Seventy thousand dollars, or so much thereof as may be necessary, for the purposes of erecting a State building: provided, that the Jamestown exposition company convey to the State of Virginia in fee simple a, suitable and satisfactory site, containing not less than one acre, upon which to erect such State building upon the grounds of the Jamestown exposition company, and for making an industrial and commercial exhibit of the resources of this State at the said exposition. The said sum to be expended under the direction of a commission consisting of the governor, who shall be ex-officio chairman, and six other persons to be appointed by him, which commission shall be known and designated as "the Jamestown exposition commission"; the said commission shall have authority to make such rules and regulations for its guidance and to appoint such assistants and employees as they may deem necessary. Upon presentation of orders signed by three members of the said commission, including the governor, the auditor of public accounts shall issue warrants upon the treasurer of the State for payment of said orders until the said sum of seventy thousand dollars shall be exhausted. The said commission, upon the conclusion of their labors, shall make final settlement with the auditor and furnish him with a sworn statement of their receipts and disbursements: and provided, further, that the sum of two thousand five hundred dollars out of the above appropriation of seventy thousand dollars shall be given to the association for preservation of Virginia antiquities for buildings and improvements on Jamestown Island.



3. Twenty thousand dollars, or so much thereof as may be necessary, for the purpose of grading, improving, and beautifying the capitol grounds and establishing driveways and walks in said grounds and kalsomining the capitol building. The said sum to be expended under the direction of a commission to consist of the governor, who shall be ex-officio chairman, and two members of the senate, to be appointed by the president, and two members of the house of delegates, to be appointed by the speaker. Upon the presentation of orders signed by three of said commission, including the governor, the auditor of public accounts shall issue warrants upon the treasurer for the payment of said orders until the said sum of twenty thousand dollars shall have been exhausted.

4. Ten thousand dollars, or so much thereof as may be necessary, for the purpose of installing a permanent agricultural, commercial, and industrial exhibit of the resources of the State in the hall of the capitol building formerly occupied by the house of delegates, said exhibits to consist of such articles and materials as were provided for in section five of an act approved December twentieth, nineteen hundred and two, entitled "an act to provide for an industrial and commercial exhibit by the Commonwealth of Virginia at the Louisiana purchase exposition," and of such other articles and materials as may be selected by the commission herein provided. The said sum to be expended under the direction of a commission consisting of the commissioner of agriculture, who shall be ex-officio chairman, and two members of the senate, to be appointed by the president, and two members of the house of delegates, to be appointed by the speaker. Upon the presentation of orders signed by three members of the said commission, including the chairman, the auditor of public accounts shall issue warrants upon the treasurer for the payment of the said orders until the said sum of ten thousand dollars shall be exhausted.

5. Eighty-five thousand dollars to the university of Virginia for buildings and improvements: provided, that not more than forty thousand dollars shall be paid out of the treasury during the fiscal year ending March first, nineteen hundred and seven.

6. Thirty thousand dollars to the Virginia military institute for buildings and improvements: provided, that not more than fifteen thousand dollars shall be paid out of the treasury for the fiscal year ending March first, nineteen hundred and seven.

7. Forty thousand dollars to the State female normal school for buildings and improvements: provided, that not more than twenty thousand dollars shall be paid out of the treasury for the fiscal year ending March first, nineteen hundred and seven.

8. Sixty thousand dollars to the Virginia polytechnic institute; fifty thousand dollars thereof to be expended for the completion of the agricultural building, and if there is any surplus it shall be applied to equipment of building, and ten thousand dollars to pay for equipments purchased: provided, that not more than thirty-five thousand dollars of said sum shall be paid out of the treasury during the fiscal year ending March first, nineteen hundred and seven.

9. Ten thousand five hundred dollars to William and Mary college for water tank and a sewerage system.

10. Seven thousand five hundred dollars to establish a system of travelling libraries. This system of libraries shall be under the direct supervision and control of the library board of the Virginia State library, but in the selection of the books for the school libraries the list adopted must be approved jointly by the library board and the State board of education.

The books purchased for travelling libraries may be loaned to any public school in Virginia, under such rules as may be prescribed by the library board: provided, that not more than five thousand dollars shall be expended during the fiscal year ending March first, nineteen hundred and seven.

11. Twenty-five thousand dollars to the Western State hospital for the erection and equipment of buildings for an epileptic colony upon the land of the said hospital in the county of Amherst: provided, that not more than twelve thousand five hundred dollars shall be paid out of the treasury during the fiscal year ending March first, nineteen hundred and seven.

12. Twenty thousand dollars to the board of fisheries to purchase and equip a steamer to be used as an oyster police boat: provided, that not more than ten thousand dollars shall be paid out of the treasury during the fiscal year ending March first, nineteen hundred and seven.

13. Twenty thousand dollars to the prison association of Virginia for buildings and improvements: provided, that not more than ten thousand dollars shall be paid out of the treasury during the fiscal year ending March first, nineteen hundred and seven.

14. Five thousand dollars to the Virginia normal and industrial institute for improvements.

15. Two thousand five hundred dollars to the negro reformatory association, for kitchen, dining-room, hospital and equipments, ram, tank, and piping.

16. The sum of two thousand dollars, or so much thereof as may be necessary, to fit up as storage rooms the rooms in the basement of the library building formerly occupied by engines and boilers, and the vacant space under the offices of the treasurer and second auditor, the work to be done under the direction of the governor, the money payable on his order, and the storage space to be assigned by him for the use of the adjutant-general and other offices in the discretion of the governor.

17. The sum of four thousand dollars, or so much thereof as may be necessary, to defray the expenses of conveying the expense of conveying convicts to and from the penitentiary: provided, that not more than two thousand dollars of the same shall be paid out during the fiscal year ending March first, nineteen hundred and seven.

18. The sum of sixteen hundred dollars, or so much thereof as may be necessary, is hereby likewise appropriated to pay to the mechanics' institute, rent for the basement used by the secretary of the Commonwealth as a storage room for books, which rent shall be at a rate not exceeding twenty-five dollars per month, and continue only so long as said storage room is so used for the State.

19. Seven hundred and fifty dollars, for furniture for court of appeals library, to be expended under direction of the court, and to be paid during the fiscal year ending March first, nineteen hundred and seven.

CHAP. 130.—An ACT to repeal an act entitled “an act to create a board of excise commissioners for Alexandria county,” approved March 2, 1894, and an act entitled “an act to amend and re-enact section 5 of an act to create a board of excise commissioners for Alexandria county,” approved March 2, 1896.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the act entitled “an act to create a board of excise commissioners for Alexandria county,” approved March two, eighteen hundred and ninety-four, and the act entitled “an act to amend and re-enact section five of an act to create a board of excise commissioners for Alexandria county,” approved March two, eighteen hundred and ninety-six, be, and the same are hereby, repealed.

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CHAP. 131.—An ACT to appropriate money to furnish the offices of the superintendent of public printing.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the sum of six hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated to furnish the offices of the superintendent of public printing with furniture, book cases, and other necessary appliances.

2. The said furniture, and soforth, shall be purchased by the superintendent of public printing and payment therefor shall be made by warrant of the auditor of public accounts on the State treasurer, which warrants shall be issued by the said auditor on the order of the superintendent of public printing, accompanied by itemized account of articles to be paid for.

3. The furniture, and soforth, to be purchased under this act shall be neat, substantial, and in keeping with the other furnishings in the capitol building.

4. The old furniture in the offices of the superintendent of public printing, or as much thereof as is not retained, shall be sold by the said superintendent and the proceeds thereof used in the purchase of the new furniture.

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CHAP. 132.—An ACT to declare the effect of the death of the drawer of a check.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the death of the drawer of a check shall not, as to checks presented for payment within two weeks from the date of such death, operate as a revocation of the authority of the bank or banker upon which it was drawn to

pay it. Such bank or banker shall retain for a period of one month after notice of the death of a depositor any moneys standing upon its or his books to the credit of such depositor, and after paying thereout any checks which may be presented within said period of two weeks shall, upon demand, pay the residue to the persons entitled thereto in the manner prescribed by law.

2. This act shall not apply to negotiable instruments other than checks made payable at a bank or bankers.

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CHAP. 133.—An ACT to provide for the purchase and distribution to certain officials copies of Waddey's guide to magistrates, and to appropriate money for that purpose.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the secretary of the Commonwealth be, and he is hereby, authorized and directed to purchase of the Everett Waddey company two thousand copies (or so many as may be necessary) of Waddey's guide to magistrates, edited by John Garland Pollard and Christopher B. Garnett, at the cost of three dollars per copy (provided said price does not exceed the wholesale price at which said books are sold), and supply one copy to each of the following city and county officers—namely: Justices of the peace and police justices, mayors of towns, Commonwealth's attorneys and clerks of courts.

2. The said book shall be substantially and neatly bound in law, sheep or buckram, as the secretary of the Commonwealth may determine, printed on good paper, in clear type, and shall be stamped with an impression on the lid "Property of the State, to be delivered to your successor in office."

3. When so constructed and marked the said books shall be delivered in such lots as the secretary of the Commonwealth shall direct, at any point in the city of Richmond, packed and ready for shipment.

4. The secretary of the Commonwealth shall ship to the clerks of the several counties and clerks of the corporation courts of the several cities a sufficient number of the said books to supply the officials herein named of the several counties, cities and towns.

The said clerks shall deliver the said books to the persons entitled thereto on application, and shall take from each person receiving a copy of said book, and preserve in their respective offices, a receipt, specifying that the said book shall be delivered to his successor in office or returned to the clerk from whom it was received.

5. When and as the said books are delivered, the same shall be paid for by warrants drawn by the auditor of public accounts on the State treasurer, on the order of the secretary of the Commonwealth, and the cost of transportation shall be paid in the same manner.

6. The sum of six thousand one hundred dollars, or so much thereof as may be necessary, is hereby appropriated, payable out of any money in the State treasury not otherwise appropriated, to carry out the objects of this act.

CHAP. 134.—An ACT to amend and re-enact section 1, section 2, as amended by an act of the general assembly approved March 15, 1904, and sections 7, 12, 16, 18, and 20 of an act entitled "an act to aid the citizens of Virginia who were disabled by wounds received during the war between the States while serving as soldiers, sailors, or marines of Virginia, and such as served during the said war as soldiers, sailors, or marines of Virginia, who are now disabled by disease contracted during the war or by the infirmities of old age, and the widows of soldiers, sailors or marines who lost their lives in said service or whose death resulted from wounds received or disease contracted in said service, and providing penalties for violating the provisions of this act."

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That section one, section two, as amended by an act of the general assembly approved March fifteenth, nineteen hundred and four, and sections seven, twelve, sixteen, eighteen and twenty of an act entitled "an act to aid the citizens of Virginia who were disabled by wounds received during the war between the States while serving as soldiers, sailors or marines of Virginia, and such as served during the said war as soldiers, sailors or marines of Virginia, who are now disabled by disease contracted during the war or by the infirmities of age, and the widows of soldiers, sailors or marines of Virginia, who lost their lives in said service or whose death resulted from wounds received or disease contracted in said service, providing penalties for violating the provisions of this act," be amended and re-enacted so as to read as follows:

§1. Be it enacted by the general assembly of Virginia, That there shall be paid out of the treasury of Virginia, upon the warrants of the auditor of public accounts, annually, on or before the first day of September, in each year, the amounts hereinafter specified to the persons hereinafter designated, described and classified, who, at the time application is made for aid under this act shall be citizens and bona fide residents of Virginia, and, except as otherwise provided in section two, shall have actually resided in this State for two years, and in the county or city from which such application is certified, for one year, and who shall make application for such aid, and furnish the proofs and comply with the other requirements of this act, as hereinafter specified and required—to-wit:

Class A.—To every person who has lost two eyes, or two feet, or two hands, or a hand and a foot, by reason of wounds received, or surgical operation therefor, while in the discharge of his duty as a soldier, sailor, or marine of Virginia in the war between the States, and any such as have become totally blind from disease, the sum of one hundred dollars per annum.

Class B.—To every person who has lost an arm, or a leg, or a foot, or a hand, while in the discharge of his duty as a soldier, sailor, or marine of Virginia in the said war, the sum of fifty dollars per annum.

Class C.—To every person who is disabled by wounds received, or surgical operation therefor, while in the discharge of his duty as a soldier, sailor, or marine of Virginia in the said war, or is disabled by

disease, if such disability be proven to be total, the sum of thirty dollars per annum, and if such disability be proved to be partial, the sum of fifteen dollars per annum.

Class D.—To every person over the age of sixty-five years who was loyal and true as a soldier, sailor or marine of Virginia during the said war, and who by reason of the infirmities of age has become disabled and incapable of earning a livelihood, if such disability be proven to be total, the sum of thirty dollars per annum, and if such disability be proven to be partial, the sum of fifteen dollars per annum.

Class E.—To every widow, remaining unmarried, of any soldier, sailor, or marine of Virginia, whose husband lost his life while in the discharge of his duty in the military or naval service of Virginia during the said war, the sum of forty dollars per annum.

Class F.—To every widow of any soldier, sailor, or marine of Virginia, whose husband was loyal and true in the military or naval service of Virginia during the said war and has since died, the said widow having remained unmarried to the time of her application for aid, the sum of twenty-five dollars per annum.

2. This act shall apply to every citizen of Virginia who was a resident thereof April first, eighteen hundred and sixty-one, and to the widows of such as are dead, and to the soldiers, sailors, and marines of other States composing the Confederate States, that allow pensions to former citizens of Virginia who were in said service, who have been bona fide and continuous actual residents of Virginia for five years next before the passage of this act, as hereinbefore classified, who entered from this or any other State, in the military service of the Confederate States, and who is or shall be at the date of his or her application, for the benefits of this act, a citizen and actual resident of Virginia, as hereinbefore provided, but no person holding a national, State or county office, which pays a salary of one hundred and fifty dollars per annum, or whose income from any employment or source whatever is one hundred and fifty dollars per annum, or who receives from any source whatever money or other means of support, amounting in value to one hundred and fifty dollars per annum, or who owns in his or her own right, or where there is held in trust for his or her benefit, or where the wife owns, or there is held in trust for her benefit, estate or property, either real, personal, or mixed, in fee or for life, of the assessed value of five hundred dollars, or who is in receipt of aid or a pension from any other State, or from the United States, or from any other source, or who is an inmate of a soldiers' home, or any other public institution, shall be entitled to the benefit of this act. But a soldier, sailor or marine who lost an arm or leg while in the service of the Confederate States shall have the amount hereinbefore provided for him, unless he or his wife has an estate of the assessed value of one thousand dollars: provided, that the actual amount due or unpaid upon any deed of trust or mortgage to secure the payment of a debt, shall be deducted from the assessed value of the property of claimants under this act.

7. That no application shall be allowed, nor shall any aid be given or pension paid, in any case, to any soldier, sailor, or marine, or to the

widow of any soldier, sailor, or marine under the provisions of this act where it shall appear that any such soldier, sailor, or marine deserted his command, or voluntarily abandoned his post of duty, or the said service, during the said war; nor shall any application be allowed, nor any aid be given, nor any pension paid to any widow of any soldier, sailor, or marine aforesaid who shall have been married to any such soldier, sailor, or marine after May first, eighteen hundred and sixty-six, nor to any such widow, who, since the death of any such soldier, sailor, or marine, being her husband, has again married, or who shall hereafter marry: nor to any such widow who was or has been divorced from any such soldier, sailor, or marine, being her husband; nor to any widow who voluntarily abandoned, and without cause, any such soldier, sailor, or marine, being her husband, and continued to live separately from him up to the date of his death; nor to any such soldier, sailor, or marine who served as a substitute for another, nor to the widow of such substitute.

12. That there shall be appointed by the circuit court of each county in term time or vacation and by the corporation or hustings court of each city, or by the judge thereof in vacation, immediately after the approval of this act, and in the month of January in each year thereafter, a board of three commissioners, residents of such county or city, none of whom shall be either State, city, or county officers, and any two of whom may act, and two of whom shall be ex-Confederate soldiers, and all of whom shall be freeholders and persons of good reputation, who are to serve without compensation, and to constitute a board, whose duty it shall be to examine into the merits of the applications, a list of which shall have been furnished them by the clerk of the said court, as hereinbefore provided, and who shall, if there be any just cause against the allowance of any claim, on the first day of the next succeeding regular term of any such court, make a report in writing to the said court, setting forth the objections to the allowance of any claim so referred to them, and furnish to the said court such information or testimony as they may have in support of any such objection, and whose duty it shall be also, on or before the fifteenth day of February in each year, to meet in the clerk's office of such court, and examine the pension roll certified to the clerk by the auditor of public accounts, under the provisions of this act, and report, in writing, to the said court, or the judge thereof in vacation, the names of such pensioners as have died during the preceding year, as also the names of such pensioners as should be dropped from the said roll because improperly placed thereon, and the reasons why such pensioners should be dropped and the evidence in support of the same. And the said court, or the judge thereof in vacation, shall forthwith cause, by rule or other process, any pensioner who is so reported to be improperly placed upon the pension roll to appear before the said court, or the judge thereof in vacation, to show cause why his or her name should not be stricken off, and further aid to him or her discontinued, under the provisions of this act, and if, after a full hearing, the said court or the judge thereof be satisfied that the said applicant is improperly on the pension roll, shall certify that fact to the auditor of public accounts, and shall also certify a list of those who have been reported as having died during the

preceding year. Any pensioner whose name shall be so dropped from the pension roll may apply to be restored to said roll, as hereinbefore provided in the case of an original applicant. The said board of commissioners shall organize immediately after their appointment by the election of one of their number as chairman, who shall preside over the meetings of the board, and perform such other duties as the board may prescribe; and the members of said board are hereby authorized and empowered to administer any oath required under this act.

16. That after an application has been once so passed, approved and allowed, it shall only be necessary for the applicant, annually thereafter, on or before the first day of July, to file with the auditor of public accounts an affidavit of the applicant, supported by the oaths of two witnesses of well-known reputation for truth, honesty, and integrity, made before some officer in this State authorized by its laws to administer an oath, and the certificate of the commissioner of the revenue as required in form number one. The affidavit of the applicant, and the oaths of the witness, and the certificates of such officer thereto, shall be in the form and substance following—to-wit:

I, \_\_\_\_\_, of the county of \_\_\_\_\_, in the State of Virginia, do solemnly swear that I am the identical person named in original application, dated on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and who filed the said application for aid as a (soldier, sailor, or marine), or (widow of a deceased soldier, sailor, or marine), of Virginia, in the service of the said State, or of the Confederate States, during the war between the States, and that I am now an actual resident of the county of \_\_\_\_\_, in the said State (if a widow, and that I have not married since the date of the filing of my application), and that I do not hold any national, State, city, or county office which pays me in salary or fees one hundred and fifty dollars per annum; nor have I an income from any other employment, or other source whatever, which amounts to one hundred and fifty dollars per annum; nor do I receive from any source whatever money or other means of support amounting in value to the sum of one hundred and fifty dollars per annum; nor do I own in my own right, nor does any one hold in trust for my benefit or use, nor does my wife own nor does any one hold in trust for her benefit, either real, personal or mixed property or estate, either in fee or for life, of the assessed value of five hundred dollars; nor do I receive any aid or pension from any other State, or from the United States, or from any other source, and that I am not an inmate of a soldiers' home or any other public institution (if a widow), and I am without any means of support, either direct or indirect.

Subscribed and sworn to before me, \_\_\_\_\_, in and for the county of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.

We, \_\_\_\_\_, and \_\_\_\_\_, of the county of \_\_\_\_\_, in the State of Virginia, do solemnly swear that we are personally acquainted with \_\_\_\_\_, whose name is signed to the annexed jurat, and that the



said \_\_\_\_\_ is still living, and that we verily believe the statements contained in the annexed affidavit to be true.

Subscribed and sworn to before me \_\_\_\_\_, in and for the \_\_\_\_\_ of \_\_\_\_\_, and I do certify that the said \_\_\_\_\_ and \_\_\_\_\_, whose names are signed to the annexed jurat, are persons of well-known reputation for truth, honesty, and integrity, and residing in the said \_\_\_\_\_

And it shall be the duty of the auditor of public accounts, on or before the first day of March in each year to mail to each pensioner, upon the said pension roll, the forms prescribed in this section, with instructions how the same shall be executed and returned to his office, and he shall not pay to any pensioner upon the said roll the amount allowed him under the provisions of this act until the provisions of this section have been complied with. And the auditor shall strike from the pension roll the names of all pensioners whose income exceeds one hundred and fifty dollars, or whose property exceeds, in assessed value, five hundred dollars, as hereinbefore provided.

18. That for the proper discharge of his duties under this act the auditor of public accounts shall employ, and fix the compensation of such clerical help as he may need to carry out the provisions of this act. The cost of such clerical help and the expense of printing, postage, books, and advertisement provided by this act, shall be paid out of the sum of money heretofore appropriated, not to exceed, however, the sum of four thousand dollars annually.

20. From the amount heretofore appropriated for the fiscal year ending February twenty-eighth, nineteen hundred and seven, and for the fiscal year ending February twenty-ninth, nineteen hundred and eight, the auditor of public accounts shall first pay in full the pensions of all persons upon the pension rolls under or by virtue of the pension act approved March fifth, eighteen hundred and eighty-eight, whose names have not been stricken therefrom under the provisions of this act; and, second, pay in full the pensions of all persons upon the pension rolls under or by virtue of any special act or relief heretofore passed by the general assembly and approved, whose names have not been stricken therefrom under the provisions of this act; and, third, if there remain sufficient, pay in full the pensions of all persons upon the pension rolls under or by virtue of the pension act approved March seventh, nineteen hundred, and of this act, whose names have not been stricken therefrom under the provisions of this act, and if there be not sufficient to pay them in full, then the auditor shall distribute the residue of said appropriation pro rata among the said pensioners under the said act of nineteen hundred and of this act, having regard to the amount each is entitled to receive according to the classification prescribed by section one of this act, whose claims have been filed in his office prior to August first in each and every year.

2. In order that the pensioners may receive the benefit of the provisions of this act for the year ending September thirtieth, nineteen hundred and six, an emergency exists for its immediate operation, and therefore it shall take effect from its passage.

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CHAP. 135.—An ACT to declare the true and lawful confines of cities and towns of a certain class.

Approved March 10, 1906.

Whereas by proceedings heretofore had, or purporting to be had, under the provisions of the act approved March ten, nineteen hundred and four, entitled "an act to provide for the extension of the corporate limits of cities and towns," numerous cities and towns of this Commonwealth have enlarged, or purported to enlarge, their respective limits, and in some instances, subsequent elections have been held, municipal bonds been issued and municipal improvements made, or undertaken, upon the basis of such new corporate limits; and

Whereas a doubt has been suggested as to the validity of the proceedings whereby such corporate limits were so enlarged or purported to be enlarged; and

Whereas it is most desirable that such doubt be prompt and wholly removed; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the corporate limits of all cities and towns of this Commonwealth as heretofore fixed, or purported to be fixed, prior to the first day of January, nineteen hundred and six, by proceedings taken, or purported to be taken, under the act approved March ten, nineteen hundred and four, entitled "an act to provide for the extension of the corporate limits of cities and towns," be, and the same are hereby, declared to be the true and lawful corporate limits of said respective cities and towns as of the date of the respective decrees or orders of court, in such proceedings so fixing, or purporting to fix, them, and shall so remain from thenceforward continuously until such corporate limits shall have been hereafter changed by law or valid legal proceedings.

2. By reason of the facts set forth in the preamble to this act, an emergency exists, which makes it important that this act become effective without delay, therefore this act shall be in effect from its passage.

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CHAP. 136.—An ACT to define the duties and liabilities of inn-keepers, hotel-keepers, and keepers of ordinaries.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of keepers of hotels, inns and ordinaries to exercise due care and diligence in providing honest servants and employees, and to take every reasonable precaution to protect the person and property of their guests

and boarders. No such keeper of hotel, inn or ordinary shall be held liable in a greater sum than three hundred dollars, for the loss of any wearing apparel, baggage or other property not hereinafter mentioned, belonging either to a guest or boarder, when such loss takes place from the room or rooms occupied by said guest or boarder, and no keeper of a hotel, inn or ordinary shall be held liable for any loss of any guest or boarder of jewelry, money or other valuables of like nature belonging to any guest or boarder: provided, such keeper shall have posted in the room or rooms occupied by guests or boarder in a conspicuous place, and in the office of such hotel, inn or ordinary a notice stating that jewelry, money and other valuables of like nature, must be deposited in the office of such hotel, inn or ordinary unless such loss shall take place from such office after such deposit is made.

And provided, further, that the keeper of any such hotel, inn or ordinary shall not be obliged to receive from any one guest for deposit, in such office, any property hereinbefore described, exceeding a total value of five hundred dollars.

2. That whenever the keeper of such hotel, inn or ordinary shall provide suitable locks or bolts on the doors of the sleeping rooms used by his guests, and suitable fastenings on the transoms and windows of said rooms, and shall keep a copy of this act conspicuously posted in each of said rooms, together with a notice requiring said guests or boarders to keep said doors locked or bolted, and transoms fastened: and if said guests or boarders fail to lock or bolt said door or doors, or to fasten said windows and transoms, then the said keeper of such hotel, inn or ordinary, shall not be liable for any property taken from such room or rooms: provided, however, that the burden of proof shall be upon such keeper to show that he has complied with the provisions of this section, and that such guest or guests have failed to comply with these requirements. But nothing in this act shall be construed to in any wise exempt the keeper, or keepers, of hotels, inns and ordinaries from being liable for the value of any property of guests taken or stolen from any room therein by any employee or agent of said keeper or keepers.

3. In the case of loss by fire or overwhelming disaster the keeper of any hotel, inn or ordinary shall be answerable to his guests or boarders for ordinary and reasonable care in the custody of their baggage or other property, but in no case shall the extent of his liability exceed two hundred and fifty dollars to any one guest or boarder, unless it shall clearly appear that the said fire or disaster was caused by the negligence of or otherwise by said keeper of such hotel, inn or ordinary, or by his servant or servants or employees.

4. That no liability shall attach to any hotel keeper, keeper of an inn or ordinary for the baggage, hats, umbrellas, coats or other wearing apparel of a guest until the same is actually placed by said guest in the actual custody of the proprietor or an employee of said hotel, inn or ordinary, and the mere depositing of said baggage, hats, umbrellas, coats, or other wearing apparel inside of said hotel, inn, or ordinary, shall not be construed as being in actual custody until taken in charge by said

proprietor or his employee, or is properly placed in a room or rooms assigned to said guests.

5. That no suits or claims arising under the four sections of this act shall be brought after one year from the time the cause of action first arises.

CHAP. 137.—An ACT requiring the several county and district school boards of Virginia to make and publish annually a statement of receipts and disbursements, and providing a penalty for failing to do so.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the several county and district school boards in Virginia be required to cause to be made out immediately after the annual settlement with the county treasurer, a statement showing the receipts and disbursements of the school funds for the year then ending, which said statement, printed as a hand-bill, shall be posted on the front door of the county courthouse and at every voting place in the county, and shall be made out in the form following:

#### Statement of Receipts.

Amount received from State school tax (name of district), \$———. Amount received from literary fund (name of district), \$———. Amount received from the grand staff fund (name of district), \$———. Amount received from the county school levy (name of district), \$———. Amount received from the district school levy (name of district), \$———. Amount received from all other sources, stating sources.

#### Statement of Disbursements.

Amount paid school trustees for salary (name of district), \$———. Amount paid teachers (name of district). Number of teachers. Also a statement of any other expenditures, not covered in either of the above items; which said statement shall be itemized in the following form:

Amount spent for school-houses, naming them. Amount spent for new furniture for school-houses, naming them. The aggregate incidental expenses of each school-house, naming it. The judge of the circuit court, at the session of his court next succeeding the annual settlement of the county and district school boards with the county treasurer shall, in his discretion, instruct the grand jury to ascertain whether or not the county and district school boards have made and posted the statements herein required, and if the grand jury shall discover that said statements have not been made and posted as required by law, then indictments shall be found against each of the members composing the said county and district school boards, who shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars.

CHAP. 138.—An ACT to amend and re-enact an act entitled an act to amend and re-enact sections 7 and 17, as amended by an act entitled an act to amend and re-enact sections 7, 17, and 18 of an act approved February 20, 1892, entitled an act to provide for the settlement of the public debt of Virginia not funded, etc., approved February 3, 1900, and a similar amendment approved February 16, 1901, as again amended by act approved April 2, 1902.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That sections seven and seventeen of an act entitled “an act to amend and re-enact an act entitled an act to amend and re-enact sections seven, seventeen and eighteen of an act approved February twentieth, eighteen hundred and ninety-two, entitled an act to provide for the settlement of the public debt of Virginia not funded under the provisions of an act to ascertain and declare Virginia’s equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of interest thereon, approved February twentieth, eighteen hundred and ninety-two, and to provide for carrying the same into effect, approved January thirty-first, eighteen hundred and ninety-four,” and providing the time for which bonds issued under this act after March thirty-first, eighteen hundred and ninety-six, shall carry interest, and section three of said act, approved January twenty-third, eighteen hundred and ninety-six, as amended by acts approved February third, nineteen hundred, February sixteenth, nineteen hundred and one, and April second, nineteen hundred and two, to be amended and re-enacted so as to read as follows:

§7. The commissioners of the sinking fund are hereby authorized and required to receive on deposit for verification, classification and exchange such of the said obligations of the State as may be presented to said commissioners, the said verification and exchange for the new bonds of the obligations so deposited to be conducted in the same manner as hereinbefore provided with respect to the obligations deposited with the same bondholders’ committee, and the said commissioners of the sinking fund shall issue to and distribute amongst said depositing creditors, after they have fully complied with the terms of this act in exchange for the obligations so deposited, bonds authorized by this act, as follows—namely: To each of the several classes of said depositing creditors the same proportion as the same class receive under the distribution made by the commission for creditors represented by the bondholders’ committee: provided, that no obligations shall be received for such deposit after the thirty-first day of December, nineteen hundred and six, nor shall any coupon bonds be received which do not have attached thereto all coupons maturing after July first, eighteen hundred and ninety-one; but for any such coupons as may be missing, coupons of like class and amount, or the face value thereof in cash, may be received; the said cash, if paid, to be returned if proper coupons are tendered within six months thereafter, and each depositor shall, when he receives his distributive share of the said new issue of bonds, pay to the commissioners

of the sinking fund three and one-half per centum in cash of the par value of the bonds received by him, and said sinking fund commissioners shall cover the fund thus received into the treasury of the Commonwealth.

§17. The commissioners of the sinking fund are authorized, if it shall seem to them for the best interest of the Commonwealth, to make an extension of the time for the funding of the outstanding evidences of debt due by the Commonwealth not heretofore funded under said act of February fourteenth, eighteen hundred and eighty-two, and February twentieth, eighteen hundred and ninety-two, for a period not extending beyond December thirty-first, nineteen hundred and seven.

2. All bonds issued under the provisions of this act shall carry interest from the semi-annual period next preceding the date of funding.

CHAP. 139.—An ACT to repeal an act to amend and re-enact an act entitled "an act to regulate the hunting and killing or capturing of hares in the county of Norfolk," approved February 16, 1901.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to regulate the hunting and killing or capturing of rabbits or hares in the county of Norfolk," approved February sixteenth, nineteen hundred and one, and as amended and re-enacted by an act approved March twenty-ninth, nineteen hundred and two, be, and the same is hereby, repealed.

2. There being an emergency existing, this bill shall become a law from its passage.

CHAP. 140.—An ACT to amend and re-enact section 6 of chapter 598 of the acts of the general assembly of Virginia, approved March 3, 1894, entitled "an act in relation to working and keeping in repair the roads and bridges in Alexandria county, as amended by an act approved March 3, 1895, and as amended by an act approved February 11, 1898."

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That section six of chapter five hundred and ninety-eight of the acts of the general assembly of Virginia, approved March third, eighteen hundred and ninety-four, entitled an act in relation to working and keeping in repair the roads and bridges of Alexandria county, as amended by an act approved March third, eighteen hundred and ninety-six, and as amended by an act approved February eleventh, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§6. Not more than a sum equal to twenty per centum of the gross receipts of any district for road purposes for the year immediately preceding shall be expended in any one fiscal year for repairs to roads in each road district, except under the contract system hereinafter provided.

All other work on roads shall be by contract, and in the letting of such contracts the board of supervisors shall cause to be posted, or otherwise advertised, a notice of the proposed letting of said contract at least seven days before the letting thereof. The plans and specifications of said work and the estimates of the kinds and quantities of said work and of materials required, shall be accessible to all bidders at least five days before the letting. Said bids shall be filed with the clerk of the board of supervisors, and they shall be by him kept unopened until the first meeting of said board after the completion of the advertisement for the bids, at which time said bids shall be opened, and the contract for said work or materials shall be awarded by the board of supervisors to the lowest responsible bidder, who shall be required to furnish within five days after said award, a bond to be approved by said board in double the gross amount of his contract. No work upon roads in any district shall be undertaken unless there is sufficient money to the credit of said district to pay the same, or, in case of contract work, shall be estimated by the treasurer of said county as likely to be on hand at the time of the completion of said contract.

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CHAP. 141.—An ACT to incorporate the town of Cambria, in Montgomery county.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the following described territory, in Montgomery county, be and is incorporated as a town, to be known as Cambria: Beginning at a stone monument at the southwest corner of the land of E. A. Meyers, and on the north side of Wade's mill road; thence north eighty-nine degrees forty-five minutes east, three thousand four hundred and seventy-nine feet, crossing the mill road obliquely—crossing the Christiansburg road—crossing Shafer street to an iron pipe planted in the land of Pink Henderson; thence north thirteen degrees fifteen minutes east, two thousand six hundred and thirty feet—crossing the depot road, the Norfolk and western railway, Crab creek and the Virginia anthracite coal and railway to an iron pipe on top of a ridge, and in the land of C. B. Clark; thence north fifty-two degrees thirty minutes west, two thousand one hundred and thirty-five feet, crossing the Springs road and the Virginia anthracite coal and railway to an iron pipe in P. H. Crawford's land, near a fence; thence south sixty-four degrees west, seven hundred and seventy-five feet, crossing Christiansburg road to an iron pipe in Miss Brown's woods; thence south thirty-seven degrees west, one thousand nine hundred and five feet, crossing Rigby's lane, to an iron pipe in James Rigby's land near his line; thence along the north side of a street south seventy-seven degrees thirty minutes west, nine hundred and fifty-four feet, to an iron pipe near the top of a hill in James Rigby's land; thence south twelve degrees forty-five minutes east, one thousand eight hundred and seventy-five feet, crossing several streets and running on the west side of a street, crossing Crab creek and the Norfolk and western railroad, to the beginning.

2. The said town and its officers shall have all the powers and privileges and be subject to all the restrictions provided by the general laws of this Commonwealth for the government of towns and the powers of the officers of towns.

3. Until an election can be held H. R. Kipps shall be the mayor; James Rigby, junior, Walter L. Hickok, S. B. Averill, Daniel M. Altizer, Samuel B. Moses, and John D. Crenshaw shall be the councilmen.

4. The council shall appoint a recorder and a sergeant to serve until the next general election.

5. Owing to the necessity for police protection in the territory named, an emergency exists, and this act shall be in force from its passage

CHAP. 142.—An ACT to repeal an act entitled “an act to incorporate the town of Bangs, in Montgomery county,” approved February 27, 1879.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the act entitled “an act to incorporate the town of Bangs, in Montgomery county,” approved February twenty-seventh, eighteen hundred and seventy-nine, be, and it is hereby, repealed.

2. An emergency existing to prevent a conflict of jurisdiction between the town of Cambria and the town of Bangs, this act shall be in force from its passage.

CHAP. 143.—An ACT to amend and re-enact an act entitled an act authorizing the judges of the circuit courts in cities of the first-class having over forty thousand population and a separate clerk for said circuit court to make an annual allowance for such clerk, payable out of the treasury of said city, approved February 27, 1904.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act authorizing the judges of the circuit courts in cities of the first class, having over forty thousand population and a separate clerk for said circuit court, to make an annual allowance for such clerk, payable out of the treasury of said city,” approved February twenty-seventh, nineteen hundred and four, be amended and re-enacted so as to read as follows:

It shall be lawful for the judge of the circuit court of any city of the first class, having over forty thousand population and a separate clerk for said circuit court, to allow to the clerk of said court such annual allowance as in the discretion of the judge shall be just and reasonable, not exceeding the sum of twelve hundred dollars per annum, which allowance shall be certified by the judge of said circuit court to the council of the said city, and upon the approval of said council shall be paid out of the treasury of said city.



CHAP. 144.—An ACT to amend and re-enact section 1429 of the Code of Virginia as the same has been amended by an act approved February 19, 1906.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and twenty-nine of the Code of Virginia as the same has been amended by an act approved February nineteenth, nineteen hundred and six, be amended and re-enacted so as to read as follows :

State board of education.—The State board of education shall be a corporation by that name, and shall consist of the governor, the attorney-general, the superintendent of public instruction, and three experienced educators, to be elected quadrennially by the senate from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees of the university of Virginia, the Virginia military institute, the Virginia polytechnic institute, the State female normal school at Farmville, the school for the deaf and the blind, and also of the college of William and Mary (so long as the State shall continue its annual appropriation to the last named institution), together with two division superintendents of schools, one from a county and one from a city, to be selected by the board composed of the governor, the attorney-general, the superintendent of public instruction, and three experienced educators elected by the senate, as herein provided, said division superintendents to have powers and duties identical with those of the other members, except participation in the appointment of any public school official.

Terms of members.—The terms of the three members elected by the senate shall be four years: provided, they continue so long on the list of eligibles. The terms of those first elected shall date from March one, one thousand nine hundred and three. The senate shall elect their successors at the session of the general assembly which begins next before the expiration of the term of the members of the board so elected by the senate, and so on from term to term of the members so to be elected.

The terms of the two division superintendents first selected after the passage of this act shall be two years from the first day of April, nineteen hundred and seven: provided, they hold the office of division superintendent so long; and, within thirty days before the expiration of their term every two years thereafter, the appointing board herein provided shall select their successors, whose term shall be two years from the first day of April following their appointment. The terms of those now in office shall continue until the first day of April, nineteen hundred and seven.

Qualification.—Before entering upon their duties, all the members of the board, except the governor, the attorney-general, and the superintendent of public instruction, shall take and subscribe the oaths prescribed by the Constitution before any officer authorized to administer oaths, and said officer shall certify the same; a minute of their qualification shall be entered in the proceedings of the board, and the oaths shall be returned as required by law as to the oaths of other State officers.

Vacancies in the board.—Any vacancy occurring during the term of any member of the board, except that of the governor and the attorney-general, shall be filled for the unexpired term by the board.

President of the board.—The superintendent of public instruction shall be ex-officio president of the board, and in his absence the members present shall elect a president pro tempore.

Quorum.—A majority of the members shall constitute a quorum for the transaction of business.

2. The necessity for removing all doubt about the right of the senate to elect members of the State board of education at the present session creates an emergency, and this act shall be in force from its passage.

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CHAP. 145.—An ACT to amend and re-enact section 753 of the Code of Virginia, as amended and re-enacted by an act approved March 15, 1904, entitled "an act to amend and re-enact section 753 of the Code of Virginia in relation to State depositories."

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That section seven hundred and fifty-three of the Code of Virginia, as amended and re-enacted by an act entitled "an act to amend and re-enact section seven hundred and fifty-three of the Code of Virginia, relating to State depositories," approved February third, nineteen hundred, as amended and re-enacted by an act entitled "an act to amend section seven hundred and fifty-three of the Code of Virginia, as amended in relation to State depositories," approved March fifteenth, nineteen hundred and two, and as amended and re-enacted by an act entitled "an act to amend section seven hundred and fifty-three of the Code of Virginia, as amended in relation to State depositories," approved April second, nineteen hundred and two, as amended by an act of like title, approved December third, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§753. State depositories; their bonds, when moneys to be transferred; when governor may designate temporary depositories; when new bonds; State's remedy on bonds.—Moneys to be hereafter paid into the public treasury of the State shall be deposited in the following banks, hereby designated as State depositories—to-wit: Planters national bank of Richmond, Virginia; the first national bank of Richmond; the national bank of Virginia; the merchants national bank; the American national bank of Richmond, Virginia; the State bank of Virginia; and the Broad street bank of Richmond, Virginia; Radford trust company of Radford, Virginia; the national exchange bank of Roanoke, Virginia; the bank of Hampton of Hampton, Virginia; the metropolitan bank of Virginia, at Richmond, Virginia; the bank of commerce and trusts, at Richmond, Virginia, and the Atlantic trust and deposit company of Norfolk, Virginia.

But no such money shall be deposited in either of the said banks until it shall have secured some person other than the bank itself in its behalf

to enter into a bond, approved and accepted by the governor, in the penalty of five hundred thousand dollars, with condition faithfully to account for and pay over, when and as required, whatever amount may, at the time such bond is given, be on deposit in said bank to the credit of the Commonwealth and such other sums as may hereafter be deposited in said bank on behalf of the Commonwealth, and with further condition to pay the State not less than two and a half per centum per annum on daily balances and for the faithful discharge by the said bank of all the duties and obligations pertaining to it as such depository.

If either of the said banks fail or refuse to procure such bond, to be given within ten days after being notified by the governor that the bond is required, or if, when the bond has been procured to be given, the governor refuses to approve and accept the same, or if, at any time after such bond has been given by the depository and accepted by the governor, the depository fail or refuse to pay the checks of the treasurer upon the warrant of the proper auditor, or to pay the interest on deposits as hereinbefore required, or to discharge any other duty or to meet any other obligation pertaining to it as such depository, in any such case all moneys on deposit in the said bank to the credit of the Commonwealth shall be immediately transferred from the said bank to such of the other banks before designated as have furnished the bond aforesaid and not broken its condition, or to any or either of them, and no further deposit of the public money shall be made in such bank.

If each and all of the said designated depositories fail or refuse to give the bond hereinafter required, or if, where such bonds have been given and accepted, there has been a breach of the condition of each and all of them, or if, at any time, the treasurer shall have reason to believe that none of them is a safe depository of the public money, in any such case the treasurer shall certify that fact to the governor in a written communication to him, and thereafter shall keep the public money in such place or places as the governor, by writing, shall direct, until further provisions be made by law. Until such provisions be made, moneys paid into or out of the public treasury may, if the governor deem it necessary, and so instruct the treasurer, be received and paid on the warrant of the proper auditor, requiring the treasurer to receive or pay the same, without any deposit made or check drawn, as prescribed by the preceding section. It shall, however, be the duty of the governor in such cases, if practicable, to designate as temporary depositories such banks or bankers as will consent to pay interest on the public deposits as hereinbefore required, and are competent to continue the system of receipts and disbursements required by law; but he shall require of any such temporary depository, and any other that may be designated by him, under the provisions of this section, bond, with good security, in a penalty sufficient to cover the amount of the public money to be deposited with the same condition as that prescribed for the bond to be given by one of the banks named as State depositories as aforesaid.

The governor, whenever in his opinion the bond of any depository is insufficient, may require of such depository a new bond, or an additional bond, with sufficient surety, to be given within a reasonable time, in such

penalty as the governor shall prescribe; and if the depository fail or refuse to give such new bond, or an additional bond, when required, the public money on deposit with such depository shall be transferred to one or more of the State depositories, or if there be none such at the time authorized to receive such deposits, to such depository as he may designate.

Before the governor shall approve and accept any bond tendered under the provisions of this section, he shall take the opinion of the attorney-general thereon, and institute an inquiry through such agencies as he may employ as to the solvency of the obligors, and the efficiency of the bond in all respects. The Commonwealth shall have the like remedy upon any bond given under this section in all respects as provided by law in respect to the bond of a county or city treasurer failing to pay the amount of public taxes with which he is chargeable, except that the proceedings shall be conducted by the treasurer instead of the auditor.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

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CHAP. 146.—An ACT to authorize the rector and visitors of the university of Virginia to issue new bonds, secured by deed of trust, for the purpose of retiring certain bonds now outstanding and secured in like manner.

Approved March 10, 1906.

Whereas under and by virtue of an act of the general assembly of Virginia, entitled "an act to enable the rector and visitors of the university of Virginia to repair the loss sustained by that institution by the fire of October twenty-seventh, eighteen hundred and ninety-five," approved January twenty-third, eighteen hundred and ninety-six, and said rector and visitors issued bonds for the purposes named in said act to the amount of two hundred thousand dollars, which matured in forty years, and were non-taxable and bore interest at the rate of five per centum per annum, and were secured by a deed of trust upon the property, real and personal, of said university, executed to the Virginia trust company as trustee, and bearing date on the first day of May, eighteen hundred and ninety-six, which deed of trust was duly recorded in the clerk's office of the county court of Albemarle county; and

Whereas by the terms of said act, the sum of ten thousand dollars per annum was appropriated to meet the interest upon said bonds and provide a sinking fund for the payment of the principal thereof, which said sum is inadequate for both of these purposes, but would be sufficient if said bonds carried a lower rate of interest; and

Whereas according to the terms of the said bonds and deed of trust, the said rector and visitors have the right to call in and pay off the same after ten years from the date thereof, and it is deemed advisable to give to said rector and visitors authority to negotiate a new loan in place thereof, bearing a lower rate of interest and secured by a new deed of trust, but without interfering with the purpose of the general assembly as declared in said act of appropriating the annual amount aforesaid on account of the interest and sinking fund; therefore,

1. Be it enacted by the general assembly of Virginia, That the rector and visitors of the university of Virginia be, and they are hereby, authorized, at any meeting at which a majority of said visitors shall be present, to issue and authorize the issue of bonds to an amount not exceeding two hundred thousand dollars, either registered or with coupons for interest, or in part of one class and in part of the other, and convertible from one class into the other at the pleasure of the holder, in sums of one hundred dollars each, or any multiple thereof, and bearing interest at the rate of four per centum per annum, which said bonds, or their proceeds, shall be used to retire the bonds of the university now outstanding under the act aforesaid, and may be exchanged, dollar for dollar, for the bonds now outstanding, or, may be sold at not less than par value and the proceeds used in paying off said bonds now outstanding.

2. For the purpose of securing payment of the said bonds, the said rector and visitors are hereby authorized to convey, by deed of trust, any or all the property belonging to or held by the said university; and the said bonds shall be payable, as specified in the said act of January twenty-third, eighteen hundred and ninety-six, and shall be subject to all the immunities and exemptions specified in said act with respect to the bonds issued thereunder.

3. In case, however, the holders of the said bonds now outstanding are willing to accept interest at the rate of four per centum per annum thereon, the said rector and visitors may, in their discretion, cause such bonds, with the coupons annexed, to be so stamped or marked as to show that they bear interest at the rate of four instead of five per centum per annum, in which case no new bonds will be issued.

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CHAP. 147.—An ACT to provide for the organization and government of incorporated communities which shall become cities of the second class under the provisions of section 1013b of the Code of Virginia.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That whenever an incorporated community (hereinafter referred to as a town), shall become a city of the second class under the provisions of section one thousand and thirteen b of the Code of Virginia, its charter, if it has one, shall remain in full force and effect, except as hereinafter otherwise provided, and its ordinances shall be the ordinances of the city, in so far as they are applicable, until they are repealed by the authorities of the city, and the officers of the town shall be and continue the officers of the city until their successors are elected or appointed and qualified, except as hereinafter provided, and shall discharge all the duties and be subject to all the penalties imposed by the said charter and ordinances and by the general law, such city shall become and be liable for the obligations or other liabilities of said town, both in law and in equity, arising out of any plans of annexation therefore consummated between the town and any other territory, and said city shall faithfully observe, keep and per-

form every such liability, and the title to all the property of said town and its rights and privileges under any contract, including all moneys belonging to said town, and all its books, records, papers and other things of value shall vest in and become the property of the said city.

2. The mayor of the town shall be and continue the mayor of the city, shall discharge all the duties, be vested with all the authority and subject to all the penalties imposed on him by the charter or by the general law.

A vacancy occurring in the office of mayor shall be filled in the manner prescribed by the charter, and if there be no provision in the charter for filling such vacancy, then such vacancy shall be filled in the manner prescribed by the general law.

3. The council of the town shall be and continue the common council of the city and discharge all the duties and exercise all the authority imposed on it by the charter and by the general law. If the circuit court, or the judge thereof in vacation, in his order shall prescribe a greater number to compose the common council, than the number composing the council of the town, then the council shall, within thirty days after the date of the order of said circuit court or judge, proceed to elect the additional members of the common council necessary to fill out the number prescribed in such order, in the manner prescribed for filling vacancies by section one thousand and fifteen e of the Code. All other vacancies occurring in the common council shall be filled in the same manner.

4. The treasurer of the town, if there be one, shall be and continue the city treasurer. If there be no treasurer of said town, then the vacancy shall be filled by the appointment by the circuit court of the city, as hereinafter constituted, or by the judge thereof in vacation.

The city treasurer, whether he be such by reason of having held the office of town treasurer, or by appointment, shall not discharge any duties as city treasurer until he has given bond in a penalty to be fixed by the common council of the city and conditioned according to law to secure the faithful discharge of his duties in connection with the collection and disbursement of the city's revenues and also the bond required by section eight hundred and fifteen of the Code with reference to the collection and disbursement of the State revenues. The officer so appointed shall qualify before the court or judge appointing him.

5. The commissioner of the revenue of the town, if there be one, shall be and continue the commissioner of the revenue of the city, and discharge all the duties imposed on him by the charter or by the general law.

If there be no commissioner of the revenue of the town, then the circuit court of the city as hereinafter constituted, or the judge thereof in vacation, shall, within thirty days after the town is declared to be a city, fill the vacancy by appointment. The officer so appointed shall forthwith qualify before the court or judge appointing him.

6. The sergeant of the town, if there be one, shall be and continue the sergeant of the city, and discharge all duties imposed on him by the charter or the general law.

All of the above mentioned officers and the Commonwealth's attorney, whose appointment is hereinafter provided for, shall serve until their successors are elected and qualify.

7. At the next general election of city officers to be held on the second Tuesday in June after the city is declared to be such, a mayor and common council shall be elected for the city, whose term of office shall begin on the first day of September succeeding their election, and shall continue; that of the mayor for four years; that of one-half of the council for two years, and the other half of the council for four years.

8. At the next general election of State officers after the city is declared to be such, to be held on the Tuesday after the first Monday in November, when similar officers are elected for other cities, there shall be elected in said city a city treasurer, commissioner of the revenue (if elective by general law), city sergeant, Commonwealth's attorney, clerk of the circuit court, one justice of the peace for each ward (to be elected by the voters of their respective wards), and other officers elective by the qualified voters, whose election is not otherwise provided by law, whose term of office shall begin on the first day of January next succeeding their election, and continue for four years, except that the term of the clerk of the circuit court shall end when the terms of other clerks of circuit courts end: provided, however, that the commissioner of the revenue shall be elected or appointed as the general law may direct.

9. All other officers of the town shall be and continue officers of the city until the expiration of the term for which they were chosen, or until they are removed or their offices are abolished by the common council. The common council may remove any of said other officers or abolish any of the offices they hold. It may prescribe the duties of all officers and also fix their compensation, if the same is not otherwise fixed by law.

10. When the town is declared to be a city, it shall become a part of the judicial circuit in which it is located, and the judge of the said circuit shall be and become the judge of the circuit court of the city, which court and the judge thereof shall have within and concerning such city the jurisdiction conferred by law on corporation or hustings courts of cities and the judges thereof, and the jurisdiction conferred by law on circuit courts of cities and the judges thereof. The judge of the said court at the time he makes the order whereby the city is declared to be such, or within ten days thereafter, shall fix a time and place not later than forty days after the date of such order, when he will hold a term of circuit court within the said city, and notify the sergeant or mayor of the city, who shall give notice of the time and place of holding the said term of court by posting written or printed notices thereof at one or more public places in the city.

The said judge shall within said period of forty days appoint a clerk of the circuit court of the city and a Commonwealth's attorney, who shall qualify before the said judge in vacation, within twenty days after they are appointed.

11. At or before the first term of the circuit court of the city to be held as above provided, the said court, or the judge thereof, shall appoint for said city an electoral board of three members, the term of one of

whom shall expire on the first day of March next succeeding, the term of another to expire one year later, and the term of the third to expire two years later than the term of the first mentioned. He shall at the same time appoint one justice of the peace for each ward, and, if necessary, he shall appoint one city treasurer, one commissioner of the revenue and one city sergeant. The terms of all officers appointed by the circuit court, or judge thereof, shall expire when their successors are elected or appointed and qualify.

At or after such first term of the circuit court the said judge shall fix the time for and hold not less than four terms of said court in and for the city each year, until the terms of said court are regulated by law.

12. The common council shall promptly provide a suitable place and proper facilities for holding the said circuit court, and an office, furniture, books, stationery, and all necessary equipment for the clerk of said court, and a jail, and if it shall fail to do so, then the judge of the court shall provide the same at the cost of the city.

13. The common council of the city at its first meeting, or as soon thereafter as is practicable, shall examine and adopt or amend, according to the requirements of law, the division of the city into wards, which was made by the order of the circuit court of the county in which the town was located, under the provisions of section one thousand and thirteen a of the Code, if such division was so made by said judge, and, if not so made, shall proceed to make such division. They shall establish a voting precinct in each ward.

At the first meeting of the common council after the election of a council, it shall proceed to divide the members into two classes, of equal number as near as may be, and proceed to comply with the provisions of section one thousand and fifteen a of the Code.

14. When the commissioner of the revenue of the city shall make application to the commissioner of the revenue of the county or of the district thereof, in which the city is located, the said commissioner of the revenue of the county shall furnish from his books a transcript of the assessment of all real estate and personal property, and all poll taxes assessed against persons located within the limits of said city, for which transcript he shall receive the compensation provided by law, to be paid by the city, and on his books he shall note that all such assessments have been transferred to said city books.

15. The treasurer of the county in which said city is located shall furnish to the treasurer of the city a certified list of all capitation taxes paid by residents of the territory included within said city for the year then current and for the preceding three years.

16. All State, county and district levies on property within the territory occupied by the city that accrued before the city became such shall be payable to and collected by the county treasurer, and the proceeds of all county and district levies on property within said city shall be held by the county treasurer subject to the rights of the city to be adjusted in the manner hereinafter provided.

17. Whenever a town becomes a city, as herein provided, the city shall assume and provide for the reimbursement of the county of such a pro-



portion of any debt of said county existing at the date the town becomes a city, and also for compensation to any school district of which the said town was a part, for any debt existing on said district at such date.

The common council of the city and the board of supervisors in the one case, and the said council and the district school trustee in the other case, shall make an equitable adjustment of such compensation, and the same shall be provided for, as these bodies shall determine and agree upon. In making such adjustment, the parties shall take into consideration the city's just proportion of money collected by the county treasurer under the preceding section, of any unexpended balance in the county treasury, belonging to any fund to which the territory embraced in said city has contributed, and shall take into consideration all other equitable claims of the city, county and district.

In the event of the failure of the parties aforesaid to make such adjustment and to agree upon such terms, either party may proceed against the other by a bill in equity in the circuit court of the county in which the city lies for a proper adjustment of such matter.

18. On the appointment of the electoral board for the city it shall appoint a registrar for each voting precinct, and cause said registrars to transfer from the county registration books to the city registration books of their proper precinct, the names of all duly registered voters of the county who are residents of the city, and to open the registration books of the city for the registration of voters; and each registered voter of the county or town so transferred shall become a registered voter of the city and qualified as to residence to vote therein. All persons may register in said city at the same time they could have registered in the town had no city government been created.

19. The council for the city whenever in the opinion of two-thirds of its members, it is to the interest of the city so to do, may borrow money for the uses and purposes of the city, and to that end said council, by a recorded vote, showing that two-thirds of the members of the council are of opinion that it is to the interest of the city so to do, may from time to time issue and sell bonds of said city, which bonds may be either registered or coupon, and shall be issued in such denomination and bear such rate of interest, not exceeding six per centum per annum, as may be determined by the council. Such bonds shall be made payable in gold or currency, not exceeding thirty years from their date, and may at the option of the council be made redeemable after such time as the council may prescribe; the interest shall be payable annually or semi-annually, as the council may determine; and the council may exempt any or all of such bonds from city taxes; in which case a clause to that effect shall be inserted in each bond. No bond so issued shall be sold by the city at less than par. The treasurer shall endorse on each bond issued and sold a certificate to the effect that the city has received the amount of said bond from the holder; and when such certificate is so endorsed upon said bond, and signed by the treasurer, the title of the purchaser shall in no case be questioned nor shall the purchaser or any subsequent holder be required to see to the proper application of the money by the city, and the validity of such bonds shall never thereafter be questioned.

All bonds issued by virtue of this section shall be signed by the mayor, and countersigned by the clerk of the council, and shall have the seal of the city affixed thereto, and said bonds shall be issued and sold and the proceeds used under the order of the council. Every bond issued by the council shall state on its face for what purpose it was issued, and the proceeds of such bonds shall be applied exclusively to the purpose for which said bonds were issued: and provided, always, that no bonds shall be issued or sold for the purpose of subscribing to the stock of any company incorporated for internal improvement. The bonded debt of the city, including the bonded debt of the town or towns from which the city was created, shall at no time exceed in the aggregates the limit prescribed by the Constitution.

20. In addition to the authority given by the general law to cities, a city organized under the provisions of this act shall be authorized and empowered to acquire by purchase or otherwise or to construct, own and operate its own plant, machinery and equipment for supplying its inhabitants, streets, grounds and buildings with water, light, power and fuel, and to that end it may acquire any plant existing in or near said city, and may acquire lands and franchises outside of the limits of said city, and may buy, purchase, acquire easement and rights of way.

21. The city shall have the right to levy and collect all taxes on property and all license taxes which cities of the second class are authorized to levy and collect: provided, that such levy on property shall not exceed for city purposes two dollars on the one hundred dollars of value of such property, which shall include a levy for school purposes not exceeding fifty cents on the one hundred dollars of value of such property.

22. Whenever the charter of the town contains provisions for the regulation and control of the licensing of bar-rooms or the regulation of the sale of intoxicating liquors, such charter provisions, in so far as they prescribe restrictions in addition to those prescribed by the general law shall remain in full force until repealed or amended by law. In all other respects, when the charter is in conflict with the general law applicable to the government of cities of the second class, the general law shall prevail.

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CHAP. 148.—An ACT authorizing the borrowing of money and issuing of bonds therefor by the towns in this Commonwealth, etc.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That any town of this Commonwealth for any one or more of the following purposes—namely: To provide for a water supply, water works, a suitable equipment against fire, or for erecting or improving school buildings, grading, paving, repaving, curbing, or otherwise improving any one or more of the streets or alleys, or widening existing ones, in such town, or for locating, instituting and maintaining sewers and culverts in and along any of such streets, avenues or alleys, or any part thereof, should the voters thereof so elect, in the manner prescribed by an act of the general assembly of

Virginia, approved April twenty-seventh, nineteen hundred and three, entitled "an act to provide for holding the elections in towns upon questions of bond issue," and chapter three hundred and twenty-four of the acts of the general assembly of Virginia, approved November the twenty-fifth, nineteen hundred and three, amending and re-enacting section nine of the act aforesaid, is hereby authorized and empowered to borrow money in such sum or sums not exceeding in the aggregate eighteen per centum of the assessed valuation of the real estate in the town subject to taxation, as shown by the last preceding assessment for taxes, upon the faith credit and property thereof, and to issue bonds therefor, signed by the mayor and attested by the clerk or recorder: but, provided, that such bonds shall not be sold at less than their par value, and bear interest at a rate not exceeding six per centum per annum, and shall become due and payable within thirty-five years from the date of issue. The council of any town proceeding hereunder shall make proper provisions for the payment of the annual interest upon such bonds as may be issued under this act, and shall provide a sinking fund for the redemption thereof at maturity; the coupons thereof shall be receivable for town taxes.

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CHAP. 149.—An ACT authorizing the town of Emporia to issue bonds and borrow money to aid in establishing a system of water works for said town, supplying and maintaining electric lights for said town, for improvement of the streets of said town, and for establishing a system of sewerage for said town.

Approved March 10, 1906.

Whereas by an act entitled an act authorizing the town of Emporia to issue bonds and borrow money for the purpose of establishing a system of water works for said town, supplying and maintaining electric lights for said town, for improvement of the streets of said town, and for establishing a system of sewerage for said town, approved March fifth, nineteen hundred, the council of the town of Emporia was authorized to issue coupon bonds not exceeding in the aggregate the amount of thirty-five thousand dollars, and bearing a rate of interest not exceeding six per centum per annum, and payable not less than thirty nor more than thirty-five years from date: provided, however, that the money arising from the sale of the said bonds should be issued and applied by the said council for establishing a system of water works, and for supplying and maintaining electric lights, and for improvement of the streets and for establishing a system of sewerage for the said town: and provided, further, that the said bonds should not be issued until sanctioned by two-thirds of the qualified voters of the said town voting upon the said question at an election to be held, which two-thirds should include a majority of the freeholders and a majority of the registered voters; and

Whereas in strict compliance with the said act, an election was duly held on July twelve, nineteen hundred and four, and a bond issue not to exceed thirty-five thousand dollars was duly authorized by the qualified voters and freeholders as required by the said act; and

Whereas the town council of Emporia acting under the said act and election issued thirty thousand dollars in five per centum bonds and sold the same at par, but by reason of the growth of the town, the said sum of thirty thousand dollars was insufficient to carry out the purposes of the said issue and the additional thirty-five thousand dollars as authorized by the said act of the general assembly, and said election is needed to complete the water and sewerage systems now being constructed and operated by the said town; therefore,

1. Be it enacted by the general assembly of Virginia, That the town council of the town of Emporia be, and is hereby, authorized to issue coupon bonds (the form of which is to be prescribed by the said council) to the amount of thirty-five thousand dollars, or so much thereof, as taken with its present indebtedness, shall not exceed the constitutional limitation of eighteen per centum on the assessed value of its real estate, bearing a rate of interest not exceeding six per centum per annum, and payable in the discretion of the council not less than thirty nor more than thirty-five years from their date, which bonds shall not be sold at less than their par value, and the money arising from the sale of the said bonds shall be applied by the said council in establishing a system of water works and for supplying and maintaining electric lights, and for improvement of the streets, and for establishing a system of sewerage for said town.

2. It appearing that an emergency exists, this act shall be in force from its passage.

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CHAP. 150.—An ACT to amend and re-enact section 2148 of the Code of Virginia, as amended by an act approved February 14, 1901, as amended by an act approved April 24, 1903, and by previous acts, in relation to the time for taking oysters, and to prohibit use of patent tongs.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and forty-eight of the Code of Virginia, as amended by an act approved February fourteenth, nineteen hundred and one, as amended by an act approved April twenty-fourth, nineteen hundred and three, and by previous acts, in relation to the time for taking oysters, be further amended and re-enacted so as to read as follows:

§2148. Limitation as to time of taking oysters and in relation to patent tongs.—Hereafter it shall not be lawful for any person to take or catch oysters from any of the natural oyster beds, rocks and shoals, in any of the waters of this Commonwealth, with tongs, or in any other way, from the first day of April to the fifteenth day of September of each year, except that in Broad bay, Long creek, Lickhorn bay, or in any of the tributaries thereof, in the county of Princess Anne, the prohibited time shall be all the year, except the months of October and November, or at any time except during the months of October, November and December, to use or employ patent tongs for the purpose of taking or catching oysters or shells from the natural rocks, beds or shoals of the

State. And if any person be found upon the natural rocks, beds or shoals of this Commonwealth during the prohibited season, or during the night time of the open season with tongs, or other devices for taking or catching oysters, the same shall be prima facie evidence of the violation of this act by the person so found therein: provided, this section shall not be construed as permitting the use of patent tongs in the waters of the James, Nansemond, East or Pianitank rivers.

Any person violating the provisions of this act shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars, and be confined in jail not less than ten days nor more than six months, either or both, in the discretion of the jury or of the justice or court trying the case, if it shall be tried without a jury.

This section shall not be construed as prohibiting the owner of planted oysters from working on or changing the location of said planted oysters, or from shipping the same to market at any time at the option of the owner.

2. All acts and parts of acts in conflict with this act are hereby repealed.

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CHAP. 151.—An ACT to appropriate money to pay for twenty-five copies of Pollard's Code purchased for the use of the general assembly.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the sum of two hundred and fifty dollars be, and the same is hereby, appropriated out of any funds in the State treasury, not otherwise appropriated, to pay the West publishing company for twenty-five copies of Pollard's code sold to the secretary of the Commonwealth and delivered to the clerks of the senate and house of delegates for the use of the general assembly.

2. On the order of the secretary of the Commonwealth, the auditor of public accounts is hereby directed to draw his warrant on the State treasurer for said amount, payable to the order of the West publishing company.

3. Owing to the fact that this purchase of books has been made on a cash basis, an emergency exists for the immediate payment of said sum, and therefore this act shall take effect from its passage.

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CHAP. 152.—An ACT to authorize and empower the board of supervisors of Northumberland county to establish a public ferry across Lodge creek, in said county.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Northumberland county be, and they are hereby, authorized and empowered to establish a public ferry across Lodge creek at some convenient point in said county.

CHAP. 153.—An ACT to amend and re-enact section 3507 of the Code of Virginia in relation to the clerks of courts of appeals and to printing records.

Approved March 10, 1906.

1. Be it enacted by the general assembly of Virginia, That section three thousand five hundred and seven of the Code of Virginia be amended and re-enacted so as to read as follows:

§3507. Of clerks of court of appeals; to whom cost of printing record is charged; when case dismissed if cost of printing not paid; amount taxed for printing to be paid into treasury. The clerk of the supreme court of appeals shall have the same fees as a clerk of the circuit court for similar services. In every case wherein printing is done under section thirty-four hundred and seventy-six, the clerk of the court of appeals shall charge in such cases, to the appellants or plaintiffs in error, the cost of printing the record, which shall be paid or secured to be paid, to the clerk before the printing is done: provided, that as soon as the case is docketed after the appeal, writ of error, or supersedeas is allowed, the clerk of the said court shall notify the appellant or his counsel of record of the amount of such costs, and if the same are not paid within ninety days from the date of such notice the case shall be dismissed, which costs so paid, or secured to be paid, shall be recovered and paid by the parties, respectively, as the court shall direct. The clerk shall account for and pay into the treasury of the State the amount taxed for printing the record, and he shall charge for his services in superintending and examining the printing, indexing, distributing, and filing the records, conducting the correspondence, etcetera, as follows: To the appellant or plaintiffs in error for one copy of the record, at the rate of one and a half cents for every ten words actually printed, which shall be paid in every case before the hearing.

2. In order to provide for cases already pending, and for those which are likely to come before the court at once, an emergency exists, and this act shall be in force from its passage.

CHAP. 154.—An ACT to amend and re-enact sections 1767, 1769, 1774, and 1775 of the Code of Virginia, as heretofore amended, regulating the practice of dentistry.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia; That sections seventeen hundred and sixty-seven, seventeen hundred and sixty-nine, seventeen hundred and seventy-four, and seventeen hundred and seventy-five of the Code of Virginia, as heretofore amended, regulating the practice of dentistry, be amended and re-enacted so as to read as follows:

§1767. Who may practice dentistry.—From and after the passage of this act it shall be unlawful for any person to engage in the practice of dentistry in the Commonwealth of Virginia or to assist in the practice of dentistry for compensation as either assistant or employee, or to receive license from any commissioner of the revenue unless such person

shall have obtained a certificate from the board of examiners, as provided in section seventeen hundred and sixty-nine of this chapter, as herein amended and re-enacted: provided, that persons who held license to practice dentistry in this Commonwealth on the twenty-eighth day of January, eighteen hundred and ninety, and have complied with the requirements of section seventeen hundred and seventy-four as herein amended and re-enacted shall be otherwise exempt from the provisions of this section: and provided, further, that nothing contained in this section shall prevent any authorized physician or surgeon from extracting teeth or any other person from extracting teeth for any one suffering from toothache, or to prevent a bona fide student in regular attendance upon any dental college in this State from practicing dentistry, under the direct supervision of one of its teachers, in the regular infirmary of such college.

§1769. Their duties and powers.—It shall be the duty of this board:

First. Meetings.—To meet annually at the time and place of meeting of the Virginia State dental association, or at such other time and place as the board shall agree upon, to conduct the examination of applicants. They shall also meet for the same purpose at the call of any four members of the board at such time and place as may be designated by said members. Thirty days' notice of the meetings shall be given by advertising in at least two of the daily papers published in the State.

Second. Examination of applicants, etcetera.—To grant a certificate of ability to practice dentistry to all applicants who undergo a satisfactory examination and receive at least four affirmative votes, which certificate shall be signed by the members of the board and be stamped with a suitable seal (which they may adopt).

Third. Registry.—To keep a book in which shall be registered the name and qualification (as far as practicable) of every person to whom such certificate is granted.

Fourth. Temporary certificates.—Any member of the board designated by the president thereof may, upon presentation by any applicant of the evidence of the necessary qualifications to practice dentistry under this chapter, grant a temporary license to practice until the next meeting of the board and no longer: provided, that no such temporary license shall be granted to any person who has been rejected on an examination by the board. All such temporary license shall be signed by the president and secretary of the board.

Said board shall inquire into the qualifications and representations of any applicant for a license to practice dentistry, and for such purposes shall have power to send for witnesses, papers and documents and to administer oaths.

§1774. Every person practicing dentistry in the Commonwealth of Virginia, at the time of the passage of this act, shall annually register his name and post-office address with the board of examiners before renewing his license, and it shall be the duty of the board to issue to each person so registered a certificate of registration stamped with the seal of the board, and signed by its secretary. Such person so registered may continue such practice without incurring any of the liabilities imposed

by this chapter by annually causing his name and residence or place of business to be registered by such board, who shall keep a book for that purpose. Such registration may be made by furnishing proof of the fact of being then so engaged in the manner prescribed by law. All persons holding a certificate of ability from said board shall annually register in like manner. A certified list of the persons registered from each city or county shall be furnished the clerk thereof, except that in the city of Richmond such list shall be furnished the clerk of the chancery court of said city, and the names on such lists shall be once recorded by such clerk in a book to be kept for that purpose, for which he shall receive a fee of fifty cents for each certificate of the persons so recorded to be paid by said board. Every person who, prior to the passage of this act, was duly authorized by said board to practice dentistry in this State, and whose certificate is duly recorded as herein prescribed, shall be allowed to continue to so practice. But no license to practice dentistry shall be issued by any commissioner of the revenue to any person whose name is not so recorded in the clerk's office of the city or county, as herein prescribed, and any person, who shall engage in the practice of dentistry and fail to register annually, as herein provided, shall, after ninety days' notice in writing from said board of such neglect, be liable to the penalties prescribed in section seventeen hundred and seventy-two of this chapter.

§1775. Fees from applicants and registration.—Said board shall charge each person who appears before them for examination a fee of ten dollars, and shall charge for each person registering one dollar. From the funds so received, all proper and reasonable expenses of the board, and each of its members, incurred in carrying out, maintaining and enforcing the provisions of this chapter, may be paid. No part of such expenses shall be paid out of the State treasury. Any excess of receipts over disbursements shall be held by the board to meet future expenses of the board and members. The secretary of the board shall have custody of its funds and may be required to give a bond in such terms as the board may direct. An annual report of the proceedings of the board, containing an account of all moneys received and disbursed, pursuant to this chapter, shall be made to the governor on the first day of February of each year.

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CHAP. 155.—An ACT to amend and re-enact section 848 of the Code, as amended and re-enacted by an act approved February 13, 1901 (extra session), in relation to the compensation of supervisors.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and forty-eight of the Code as amended and re-enacted by an act approved February thirteenth, nineteen hundred and one (extra session), in relation to the compensation of supervisors, be amended and re-enacted so as to read as follows:

§848. Compensation of supervisors.—Each member of the board of supervisors shall be allowed and paid out of the county levy a compensa-



tion for his services in attending the meeting of the board at a rate of three dollars per diem for the time he shall actually attend, and five cents for each mile of travel in going to and returning from the place of meeting; but no per diem allowance shall be made for any time occupied in travelling where mileage is allowed therefor: provided, that but one mileage shall be allowed for any one term of meeting of such board: and no supervisor shall be allowed to draw pay for more than twenty days attendance in any one year, except in the counties where the population exceeds five thousand, where no supervisor shall be allowed to draw pay for more than twenty days in any one year: provided, further, that the supervisors of the counties having a population of thirty thousand and over shall not be allowed to draw pay for more than thirty days in any one year.

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CHAP. 156.—An ACT to regulate the business of lending money on household and kitchen furniture, household goods, wearing apparel, sewing machines, musical instruments, or wages and salaries, on conditional sales of the same, and the buying of salaries and wages.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That no person, firm or corporation shall engage generally, regularly or collaterally to any other business in the business of making of loans on household or kitchen furniture, or household goods, or wearing apparel, or sewing machines, or musical instruments, or wages, or salaries, or on conditional sales of the same, without first obtaining a license therefor, which shall be in addition to the license required by law for any other business the person, firm, or corporation may engage in. The applicant for such license shall, before the same is issued, file with the officer authorized to issue it, a statement on oath giving the location where such business is to be conducted, the name and business address of the applicant, if the licensee is an individual, the name and business addresses of each of the partners, if the business is a firm, and the name and business addresses of each of its officers, if the licensee is a corporation, and, in case of a corporation, the State under the laws of which it is organized. Said license, when issued, shall not be transferable. Should the licensee change the location of his business said license shall immediately become void, unless said licensee shall, at least ten days before changing the location, file with the officer authorized to issue said license a notice of the proposed change of location, and such officer shall endorse on said license the fact of said change. In default of compliance with these provisions, said license shall be null and void. The license shall at all times be kept publicly exposed by the licensee on his business premises. Any person, firm or corporation violating the provisions of this section shall pay a fine of not less than fifty dollars and not more than five hundred dollars for each offense.

2. No license shall be issued to any person, firm or corporation to carry on the business as specified in section one of this act, until the applicant shall have filed with the clerk of the circuit court of the county, or of the

corporation court of the corporation, wherein said business is to be conducted, a bond, with security to be approved by the said courts or judges thereof in vacation, in the penalty of one thousand dollars, payable to the Commonwealth of Virginia, and conditioned for the faithful performance by the licensee of the duties and obligations pertaining to the business so licensed, and the prompt payment of any judgment which may be recovered against said licensee on account of damages or other claims arising directly or collaterally from any loan of money or sale of wages or salary.

3. Should any surety on such bond become insolvent, the said judge shall immediately require the licensee to file an additional bond with good security, and on failure to file such additional bond within ten days after being so required to file the same, said license shall stand ipso facto revoked.

4. If it be agreed in writing by the borrower and the lender at the time the loan is made, the lender may charge for investigating the security or title and closing the loan, a fee of not more than fifty cents where the amount borrowed is five dollars or less; not more than seventy-five cents where the amount is more than five dollars and not more than ten dollars; and not more than one dollar where the amount borrowed is more than ten dollars and not more than twenty dollars; and not more than one dollar and a half where the amount borrowed is more than twenty dollars and not more than thirty-five dollars, and not more than two dollars where the amount borrowed is more than thirty-five dollars, which said fee may be charged, if so agreed, upon each original loan, or any renewal thereof: provided, however, that no fee whatever shall be allowed on any renewal or extension, which occurs within sixty days from the time of making the loan or from the time of the last renewal: and provided, further, that the fee provided for in this section shall not be charged on any renewal made after the expiration of four months from the date of the original loan, but that all renewals made after said four months shall be at fees not greater than one-half of the amounts herein provided: and provided, further, that any loan which shall be made between said parties within ten days after the payment of a pre-existing loan of approximately the same amount, shall in all cases be construed prima facie to be a renewal of said pre-existing loan. No original loan shall be split up into smaller loans in order to increase the fees allowed; but if two or more loans be made at or about the same time between the same parties they shall be construed to be but one original loan, unless the contrary plainly and unequivocally appears.

5. Any interest charged by the lender to the borrower in excess of the present legal rate of interest, or any fee, fine or charge whatsoever charged by the lender against the borrower, whether for negotiating a loan or for commissions, examinations, attorney's fee, or any other bonus, or additional charge whatsoever, to those allowed in section four of this act, shall be considered as a payment on the principal of said loan, and the same shall be credited with the amount of said additional charge or excess, and the license of the person, firm or corporation making such additional or excessive charge may, in the discretion of the circuit court

of the county or corporation court of the corporation wherein such business was licensed, be revoked.

6. It shall be unlawful for any licensee under this act to charge any sum of money for fire insurance on any article of personal property pledged as security for any loan or any fee for recording any papers connected with any loan or sale, under the terms of this act except such as are actually paid by such licensee.

7. If any person, firm or corporation shall engage generally, regularly, or collaterally to some other business, in the business of making loans or purchasing wages or salaries, as prescribed in section one of this act, without first obtaining a license for carrying on such business in the city, town or county, in which said business is transacted, or shall continue to conduct said business after the forfeiture or cancellation of the license under which the same is conducted, then no suit or action shall be maintained for the enforcement of any such loan, or of any security given for such loan, or any assignment of wages or salary.

8. Every individual, firm or corporation desiring the privilege of conducting business under the provisions of this act shall pay therefor a license tax of one hundred dollars.

9. This act shall not apply to any loan in excess of one hundred and fifty dollars actually and bona fide made at one time, and shall not prevent any merchant or other person who sells provisions, wearing apparel, household goods or furniture to wage-earners from taking as security therefor an order for or assignment of wages: provided, however, that no interest, bonus or rebate is charged or taken, directly or indirectly, upon the sale or amount of debt contracted or from the amount of wages, and that the property is sold at no higher price than like property is sold on credit to other persons than such wage-earners.

10. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

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CHAP. 157.—An ACT to authorize the council of the town of Front Royal to sell and convey certain real estate.

Approved March 12, 1906.

Whereas the town of Front Royal in acquiring the rights and franchises of an electric light plant also became the owner of two certain lots of land, known and designated as lots number seventeen and eighteen in block one hundred and thirty-eight, as more fully appears by deed from the general electric company to said town, bearing date July twenty-eighth, eighteen hundred and ninety-four, and of record in the clerk's office, of Warren county, Virginia, in deed book "Z," page two hundred and twenty-four; also in acquiring the rights and franchises of the Royal water company, became the owner of lots number fifteen and sixteen in said block one hundred and thirty-eight, as fully appears by deed from the Royal water company to W. P. King, trustee, for said town, dated the seventh day of August, nineteen hundred and two, and of record in the

clerk's office of said county in deed book number five, page three hundred and eighty-seven; and

Whereas said town has no further use for said four lots or parcels of land, and is desirous of selling the same; now, therefore,

1. Be it enacted by the legislature of Virginia, That the council of said town of Front Royal, Virginia, be, and is hereby, empowered and authorized to sell, after reasonable and proper advertisement at public auction, to the highest bidder, said four lots or parcels of land, and that the mayor of said town is hereby authorized and empowered to execute and deliver to any purchaser, or purchasers, of said lots a deed of conveyance for the same whenever ordered to do so by resolution of said town council, and any conveyance so made by said mayor, and attested by the recorder of said town, shall have the effect of passing all, or such title to said lots as may be in said town, or in said trustee for the use and benefit of said town.

2. This act shall be in force from its passage.

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CHAP. 158.—An ACT to provide for the appointment of a police justice or police justices in the counties having a population of fifty thousand or over.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That the judge of the circuit court having jurisdiction in counties having a population of fifty thousand or more shall have the power and is hereby authorized to appoint any qualified elector or electors in his judicial district a police justice, or police justices in conformity with the terms and conditions of this act.

(1) A police justice may be so appointed for each magisterial district of said county: provided, such district has a population of fifteen thousand or over.

(2) Such police justice or police justices so appointed shall have all the powers conferred upon justices of the peace by existing law with power to suspend any constable or special police officer of his district for neglect of duty or misfeasance. Such suspension shall be referred to the circuit court whose action therein shall be final.

(3) No appointment shall be made under this act prior to January first, nineteen hundred and eight.

(4) The salary of such police justice shall be not less than eighteen hundred dollars, which shall be in lieu of all fees. The salary shall be fixed by the board of supervisors of the county, and paid out of the county treasury; all fees collected by him shall be turned into the county treasury.

(5) The terms of police justices shall be four years from the date of their appointment. The court which or whose judge appoints a police justice may at any time remove him for good cause shown upon a hearing after reasonable notice to him of the charges against him.

CHAP. 159.—An ACT to repeal an act approved March 14, 1904, in relation to working the public roads of Goochland county.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That an act approved March fourteenth, nineteen hundred and four, authorizing the judge of the circuit court of Goochland county to appoint a board of county road commissioners for said county, and to define their duties in connection with working the public roads, and to increase the county road levy necessary therefor, be, and the same is hereby, repealed.

Whereas the road commissioner provided for in the aforesaid act are to be reappointed at the March term, nineteen hundred and six, of the circuit court of Goochland county, therefore an emergency exists, and this act shall be in force from its passage.

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CHAP. 160.—An ACT to prevent fraudulent erasures, alterations, secreting, and destruction of bills and resolutions, and amendments to bills, pending before the general assembly, or either branch thereof, or of any committee of either or both branches, or of any bill of the general assembly.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That any person who shall fraudulently erase, alter, secrete or destroy any bill, resolution or amendment to any bill pending before the general assembly, or either branch thereof, or before any committee of either or of both branches, or any enrolled bill of the general assembly, or shall fraudulently or with improper intent, endeavor to influence any officer or employee of the general assembly, or of either branch thereof, with regard to any such bill, amendment or enrolled bill, shall be confined in the penitentiary not less than one nor more than five years.

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CHAP. 161.—An ACT to incorporate and provide a charter for the town of Troutdale, Virginia.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That all the territory embraced in a radius of one mile in every direction from the northeast corner of what is known as "Church lot" on Main street, in the town of Troutdale, Grayson county, as the same is now and shall hereafter be laid off into lots, squares, streets and alleys, be, and the same is hereby, made a town corporate by the name of Troutdale, and by that name shall have and exercise all the powers conferred on towns of less than five thousand inhabitants by the laws of Virginia, now in force, or which may hereafter be enacted in reference to towns of less than five thousand inhabitants.

2. The government of said town shall be vested in a mayor, a sergeant, a recorder and six councilmen, and such other officers as may be provided for by the mayor and councilmen.

3. C. P. Greear is hereby appointed mayor thereof, W. H. Handy is hereby appointed recorder, J. W. Huddler is hereby appointed sergeant; David T. Carter, R. L. Greear, S. W. Greear, I. Pacely, T. Paceley, and C. T. Forrester are hereby appointed councilmen. The said officers shall have and exercise all the powers now granted and hereafter granted to such officers by the general assembly of Virginia, and shall continue in office until their successors are elected and qualified according to law, and in the absence of any provision of law on the subject, they shall be elected in the manner prescribed by ordinances of the council.

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CHAP. 162.—An ACT to authorize the sale of the penitentiary spring lot, at Richmond.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That the superintendent of the Virginia penitentiary is hereby authorized, with the approval of the board of directors, to sell the lot of land situated on the north side of the alley running from Jefferson to Madison streets, between Main and Cary streets, in the city of Richmond, for a sum to net the State not less than one thousand dollars, and the State corporation commission to execute a deed to the purchaser upon payment of the purchase money, which shall be deposited in the State treasury.

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CHAP. 163.—An ACT for the protection of fish in the Shenandoah river and its tributaries.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to catch, destroy or take any fish of any description by any methods or means other than with the hook and line in or from the Shenandoah river or its tributaries, except as hereinafter provided.

2. It shall be unlawful to use fish berries, lime, giant powder, dynamite or other explosive substance, for the destruction of fish in the Shenandoah river or any of its tributaries, by which fish therein may be destroyed.

3. It shall not be lawful to kill or capture in the Shenandoah river, or its tributaries, black bass or pond bass, by any manner or means between the first day of April and the first day of June.

4. Dip nets and stir nets may be used in taking and catching fish other than bass and mountain trout from the said river and its tributaries, except within the prohibited period of each year. Gigs and spears may be used in killing and taking of fish, other than bass and mountain trout.

from the Shenandoah river and its tributaries from November the first to December the tenth of each year, but at no other time.

5. Fish pots may be used for the purpose of taking and catching fish, other than bass, in the Shenandoah river and its tributaries, except within the prohibited period in section three: provided, the dam is left open on one side not less than thirty feet from the bank at low water mark, and in case of a dam or other obstruction, where fish ladders are required by law, if the party whose duty it is to construct such fish ladder shall fail to do so, any other person or persons who may be aggrieved thereby may construct the same at the cost of the aforesaid party and recover the same on motion before a justice, if less than one hundred dollars, and on motion of the circuit court, if more than one hundred dollars, but this shall not relieve the party from criminal liability for said failure.

6. Seines shall not be used at any time for catching or taking fish, except that minnow-nets may be used in any of the tributaries of the Shenandoah river for the purpose of taking small fish, to be used for bait in angling.

7. Any person violating this act or any of the provisions thereof shall be fined not less than five dollars nor more than twenty-five dollars for each offense.

8. All acts and parts of acts in relation to catching fish in the Shenandoah river or its tributaries in conflict with this act are hereby repealed.

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CHAP. 164.—An ACT to provide for the establishment of "Virginia State school for colored deaf, dumb and blind children."

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That there shall be established on a site, the selection of said site being hereinafter provided for, an institution entitled "Virginia State school for colored deaf and blind children."

The said institution shall be under the government of a board of visitors consisting of five members, whose appointment is hereinafter provided for.

2. In the said institution there shall be two departments, each separate and distinct from the other. In one of these departments there shall be received such deaf and dumb children of the colored race, whose parents or guardians are residents of the Commonwealth of Virginia, as cannot be educated in the ordinary public schools of the State. In the other department there shall be received such blind children of the colored race, residents as above described, as cannot be educated in the public schools.

3. There shall be no charge for the education of colored children, afflicted as above described, whose parents or guardians are residents of the State of Virginia.

4. The board of visitors shall be, and they are hereby declared to be, a body corporate under the style and title of "the board of visitors of Virginia State school for colored deaf and blind children." They shall have the

right as such to use a common seal, to plead and be impleaded, in all courts of justice, and in all cases in which the interests of the school are involved; and they shall be capable in law and in trust for the institution, of receiving donations, real and personal, as well from bodies corporate, and persons associated, as from private individuals.

5. The institution hereby established shall in all things and at all times be subject to the control of the general assembly of Virginia, and it shall be the duty of the board of visitors to make an annual report to the general assembly and make such other reports as may be provided by law. Each fiscal year of said institution shall end on the thirtieth day of September, to which time the accounts of the institution shall be made; and the board of visitors shall annually, on the first day of October, deliver to the second auditor their report to the general assembly, showing the condition of the school, its receipts and disbursements for the said fiscal year.

6. The board of visitors shall be appointed as follows: The first three visitors for two years from July first, nineteen hundred and six, the remaining two visitors for four years from July first, nineteen hundred and six. All succeeding appointments shall be as provided for by law. The board of visitors shall appoint one of their members as their president, and in case of his absence, a president pro tempore. The board shall appoint a secretary, not a member of the board, who shall keep an accurate record of the proceedings of the board. The board shall appoint an executive committee, consisting of three members of the board, who shall meet every sixty days; the secretary of the board acting in like capacity for the executive committee. The board of visitors shall hold one annual meeting and such intermediate meetings as may be necessary. A majority of the board of the executive committee shall constitute a quorum.

7. The board of visitors shall meet in the city of Richmond, Virginia, within thirty days after receiving their commission from the governor, and organize. They shall then proceed to elect a superintendent of the institution. The said superintendent shall be elected with due regard to his knowledge of the methods and systems for educating the deaf and dumb and the blind, and on account of his sobriety and general fitness for the position. The superintendent thus elected shall give such information as the board of visitors may need, and he shall be consulted with and advised with in all things pertaining to the welfare of the school.

The board of visitors shall be charged with the erection, repair and preservation of the buildings of the institution, and the care of the property.

The board of visitors shall elect such professors, officers or agents as may be necessary or expedient for promoting the objects of the institution, paying due regard to the sobriety, knowledge and general fitness of each and every person so selected. The board of visitors may remove for cause the superintendent, professors, officers and agents at any time, causing to be entered upon the journal of the board the cause of such removal or removals, together with a copy of the order of removal.

8. The board of visitors shall receive all offers of property as a site for the said "Virginia State school for colored deaf and blind children":



they shall by majority vote select such site as in their judgment is the most available and will be to the best interest of the State of Virginia, and of the said children which are to be received into the said institution. The said board of visitors shall report to the governor of Virginia the resolution establishing said institution at the site so selected by it.

9. All acts or parts of acts inconsistent with this act are hereby repealed.

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CHAP. 165.—An ACT to amend and re-enact section 2489 of the Code of Virginia in relation to lien of inn-keepers, etc.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and eighty-nine of the Code of Virginia, eighteen hundred and eighty-seven, in relation to lien of inn-keeper, and so forth, be amended and re-enacted so as to read as follows:

§2489. In relation to lien of inn-keepers, and so forth.—Every inn-keeper, keeper of an ordinary, boarding house or house of private entertainment shall have a lien upon and may retain possession of the baggage and other property in and about such inn, ordinary, or boarding house, or house of private entertainment, belonging to the guests of such inn, ordinary, boarding house or house of private entertainment, or his employer, controlled by such guest for the proper charges due him from such guests or boarders for their board and lodging.

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CHAP. 166.—An ACT to amend and re-enact the second clause of section 183 of the Code of Virginia, as amended and re-enacted by an act entitled "an act to amend and re-enact the second clause of section 183 of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact title 8 of the Code of Virginia, in relation to salaries, mileage, and other allowances," approved March 7, 1904.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That the second clause of section one hundred and eighty-three of the Code, as amended and re-enacted by the act entitled "an act to amend and re-enact the second clause of section one hundred and eighty-three of the Code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact title eight of the Code of Virginia, in relation to salaries, mileage and other allowances," approved March seven, nineteen hundred and four, be amended and re-enacted so as to read as follows:

Second. Salary and mileage of attorney-general; his clerk and stenographer.—The attorney-general, the sum of three thousand five hundred dollars in full for his services and ten cents per mile for every mile of necessary travel on business for the State. He is authorized to employ an assistant at a salary not to exceed twenty-five hundred dollars per annum: a stenographer at a salary not to exceed nine hundred dollars per

annum, and to expend for the contingent expenses of his office, exclusive of mileage, a sum not exceeding four hundred dollars per annum.

2. An emergency existing, this act shall be in force from its passage.

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CHAP. 167.—An ACT providing that the judgment of a circuit or corporation court, or other law court of record, in any action at law requiring a plaintiff to remit any part of his recovery, as ascertained by the verdict of a jury, and accept a reduced sum, may be accepted by such plaintiff under protest; and that such judgment, if accepted under protest, may be the subject of review by the supreme court of appeals upon a writ of error awarded either the plaintiff or defendant.

Approved March 12, 1906.

1. Be it enacted by the general assembly of Virginia, That in any action at law in which a circuit or corporation court or other law court of record shall require a plaintiff to remit a part of his recovery, as ascertained by the verdict of a jury, or else submit to a new trial, such plaintiff may remit and accept judgment of the court thereon for the reduced sum under protest, but, notwithstanding such remittitur and acceptance, if under protest, the judgment of the court in requiring him to remit may be reviewed by the supreme court of appeals upon a writ of error awarded the plaintiff as in other actions at law; and in any such case in which a writ of error is awarded the defendant, the judgment of the court in requiring such remittitur may be the subject of review by the supreme court of appeals, upon a cross-appeal by the plaintiff, as in other actions at law.

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CHAP. 168.—An ACT to amend and re-enact sections 92 and 98 of the Code of Virginia, as amended by an act approved December 18, 1903, entitled "an act to amend and re-enact chapter 9 of the Code of Virginia, as amended and re-enacted by an act of the general assembly of Virginia, approved May 20, 1903, entitled an act to amend and re-enact chapter 9 of the Code of Virginia of 1887, in relation to election of State, county, district and city officers, and the terms of their offices, and filling vacancies."

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That sections ninety-two and ninety-eight of the Code of Virginia, as amended by an act approved December eighteen, nineteen hundred and three, entitled "an act to amend and re-enact chapter nine of the Code of Virginia, as amended and re-enacted by an act of the general assembly of Virginia, approved May twenty, nineteen hundred and three, entitled an act to amend and re-enact chapter nine of the Code of Virginia of eighteen hundred and eighty-seven, in relation to election of State, county, district and city officers, and the terms of their offices, and filling vacancies," be amended and re-enacted so as to read as follows:

§92. Sheriffs, attorneys for the Commonwealth, commissioners and treasurers; when elected or appointed; term of office.—Sheriffs, attorneys for the Commonwealth and county treasurers shall be chosen by the qualified voters of the respective counties at the general election on the Tuesday after the first Monday in November, nineteen hundred and three, and every fourth year thereafter, and shall hold their offices for the term of four years from the first day of January next succeeding their election. The commissioners of the revenue for each county shall be appointed by the circuit courts of their respective counties, or by the judges of such courts in vacation, at some time between the first day of July and the first day of October, in the year nineteen hundred and seven, and between those dates every fourth year thereafter, and shall hold their offices for the term of four years from the first day of January next succeeding their appointment. The commissioners of the revenue now in office shall continue to discharge the duties of their respective offices until their successors shall be appointed and qualified.

§98. Providing for officers of cities, their election or appointment and term of office.—In each city of this Commonwealth there shall be elected by the qualified voters thereof on the second Tuesday in June, nineteen hundred and four, and every four years thereafter, a mayor, who shall be the chief executive officer of such city, whose term of office shall begin on the first day of September succeeding his election, and continue for four years thereafter. On Tuesday after the first Monday in November, nineteen hundred and five, and every four years thereafter, the qualified voters of each of the cities of this Commonwealth shall elect a city sergeant, an attorney for the Commonwealth, a city treasurer, and all other city officers elected by such qualified voters, whose election is not otherwise provided for by law, whose term of office shall begin on the first day of January next succeeding their election, and continue for four years thereafter. In each city which has a court in whose office deeds are admitted to record, except the cities of Bristol, Radford and Buena Vista, there shall be elected by the qualified voters on Tuesday after the first Monday in November, nineteen hundred and five, and every eight years thereafter, a clerk of such court to be called the clerk of the corporation or hustings court, whose term of office shall begin on the first day of February of the second year after such election, and shall continue thereafter for eight years, and in the city of Richmond there shall be elected also at the same time and for the same terms a clerk of the chancery court and a clerk of the law and equity court of the city of Richmond, whose terms of office shall begin on the first day of February of the second year after such election.

In cities having a population of thirty thousand or more there shall be elected by the qualified voters a separate clerk of the circuit court of such city on Tuesday after the first Monday in November, nineteen hundred and three, and every eight years thereafter, whose term of office shall begin on the first day of January, succeeding his election, and continue thereafter for eight years: provided, that the terms of such clerks first elected under this section shall begin on the first day of February, nineteen hundred and four, and shall expire on the first day of January.

nineteen hundred and twelve: provided, that the present terms of the clerks of city courts not herein otherwise expressly provided shall continue until the first day of February, nineteen hundred and four.

In the cities of Radford, Bristol and Buena Vista there shall be elected by the qualified voters on Tuesday after the first Monday in November, nineteen hundred and three, and every eight years thereafter, unless such courts are sooner abolished, a clerk of such city court, to be called the clerk of the corporation court, whose term of office shall begin on the first day of February following his election, and continue for eight years thereafter, unless the said court shall be sooner abolished.

The commissioners of the revenue for each of the cities of this Commonwealth shall be appointed by the corporation or hustings court of their respective cities, or by the judges of such courts in vacation; or if there be no such corporation or hustings court, then by the circuit court having jurisdiction in such city at some time between the first day of July and the first day of October in the year nineteen hundred and nine, and between those dates every fourth year thereafter, and shall hold their offices for the term of four years from the first day of January next succeeding their appointment. The commissioners of the revenue now in office shall continue to discharge the duties of their respective offices until their successors shall be appointed and qualified.

2. All provisions of any city charter in conflict with this section are hereby repealed.

3. All acts and parts of acts inconsistent with this act are hereby repealed.

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CHAP. 169.—An ACT to amend and re-enact section 173 of the Code of Virginia, 1887, so as to empower clerks of city councils, common councils, and boards of aldermen to administer oaths and take affidavits.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That section one hundred and seventy-three of the Code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§173. Any oath or affidavit required by law, which is not of such a nature that it must be made in court, may be administered by, or made before, a justice and certified by him, unless otherwise provided; and in any case in which an oath might be administered by, or an affidavit made before a justice, the same may be administered by or made before a notary, a commissioner in chancery, a commissioner appointed by the governor, or a court or clerk of a court, or clerks of city councils, common councils or boards of aldermen; or in case of a survey directed by a court in a cause therein pending, by or before the surveyor directed to execute said order of survey.

CHAP. 170.—An ACT to amend and re-enact an act of the general assembly of Virginia, in force January 21, 1884, entitled “an act providing a charter for the city of Norfolk, and repealing the existing charter, approved April 21, 1882,” as amended by the several acts of the general assembly of Virginia, approved, respectively, April 6, 1887, April 28, 1887, May 14, 1887, February 14, 1900, February 21, 1900, February 26, 1900, February 2, 1901, February 15, 1901, March 15, 1902; and “to define the boundaries of the said city of Norfolk, as extended by the several acts of the general assembly, approved April 6, 1887, February 22, 1890, and March 14, 1902, and by an order of the circuit court of Norfolk county, which was entered on the 9th day of January, 1906.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That an act of the general assembly of Virginia, in force January twenty-first, eighteen hundred and eighty-four, entitled “an act providing for a charter for the city of Norfolk, and repealing the existing charter, approved April twenty-first, eighteen hundred and eighty-two,” as amended by the several acts of the general assembly of Virginia, approved, respectively, April sixth, eighteen hundred and eighty-seven, April twenty-eighth, eighteen hundred and eighty-seven, May fourteenth, eighteen hundred and eighty-seven, February fourteenth, nineteen hundred, February twenty-first, nineteen hundred, February twenty-sixth, nineteen hundred, February second, nineteen hundred and one, February fifteenth, nineteen hundred and one, March fifteenth, nineteen hundred and two, be amended and re-enacted so as to read as follows:

§1. That the territory contained within the limits heretofore prescribed by statute, to-wit: “An act providing a charter for the city of Norfolk and repealing the existing charter, approved April twenty-first, eighteen hundred and eighty-two, in force January twenty-first, eighteen hundred and eighty-four”: “an act to amend the charter and to extend and define the boundaries of the city of Norfolk, approved April sixth, eighteen hundred and eighty-seven”; “an act to extend the boundaries of the city of Norfolk, approved February twenty-second, eighteen hundred and ninety”; “an act to annex additional territory to the city of Norfolk, and provide for the government of said annexed territory, approved March fourteenth, nineteen hundred and two,” and “an act to incorporate the town of Berkley, approved March third, eighteen hundred and ninety,” and such territory as may be hereafter annexed by law shall be deemed and taken as the city of Norfolk, and the inhabitants thereof shall be a body corporate and politic under the name of the city of Norfolk, and as such shall exercise all the functions of a municipal corporation, and be subject to all the duties and obligations now incumbent on the city of Norfolk, except that the special provisions of law applicable to so much of the said territory known as the Seventh or Park Place ward, as defined in the aforesaid act, approved March fourteenth, nineteen hundred and two, shall apply to the same during the period specified in said act; and except that so much of the territory which was incorporated as the town of Berkley by the act of March third, eighteen hundred and ninety, shall be subject to the terms and provisions of the order of the circuit court of Norfolk county, which was entered on the ninth day of January,

nineteen hundred and six, annexing the said territory to the city of Norfolk.

The territory covered by the aforesaid acts is described as follows: Beginning at a point where the centre line of Houston street intersects the low water mark of the Elizabeth river; thence in a southeasterly direction along said low water mark to the centre line of Tarrant's creek; thence in a line perpendicular to the port warden's line of the Elizabeth river to the intersection of said perpendicular line with the said port warden's line; thence following the said port warden's line southeasterly and passing across the mouths of all tributary creeks to the intersection of said port warden's line with the center line of Ohio creek; thence northwardly along the centre line of Ohio creek to the centre line of Corprew avenue; thence westwardly along the centre line of Corprew avenue to the eastern line of the Norfolk and western railway company's right of way; thence westerly to a point in the centre of Gibb's avenue, distant two hundred and ten feet northerly from the north side of Highland avenue; thence westerly to a point in the centre of Cooke avenue, distant one hundred and seventy feet northerly from the north side of Highland avenue; thence westerly to a point in the centre of Beale street, distant two hundred and forty feet northerly from the north side of Highland avenue; thence westerly to a point in the centre of Maple avenue; distant two hundred feet northerly from the north side of Highland avenue; thence in a line at right angles to Maple avenue westerly to the canal or drain on the east side of Landing street; thence northerly to a point on the north side of the Broad creek turnpike, distant one hundred and fifty-nine feet easterly from the east side of Landing street; thence northerly to a point on the north side of Henry street, distant one hundred and ninety-three feet easterly from the east side of Landing street; thence northerly to a point on the south side of Princess Anne avenue, distant two hundred and sixty-five feet easterly from the east side of Landing street, which last point was established as the head of Newton's creek; thence westerly to a point on the west side of Church street, distant northerly three hundred and thirty-five feet from the northwest intersection of Church street with Princess Anne avenue, which last point was established as the head of Smith's creek; thence in a straight line to the centre of the stone culvert on the east side of Elmwood cemetery, which culvert is in the centre of Smith's creek; thence following the meanders of Smith's creek westerly to the north fork of said creek; thence northwesterly up the north fork of said creek, which is on the western side of the Norfolk colored cemetery, to the head of that fork; thence continuing in a straight line north-easterly to the southern line of the Norfolk and western railway's right of way; thence along the southern line of said right of way easterly to the centre line of Church street; thence northerly along the centre line of said Church street to a point at which the northern line of Twenty-ninth street as laid down on the plat of "Villa Heights" would intersect the said centre line of Church street; thence easterly along the northern line of Twenty-ninth street and the northern line of Waverly Way on said "Villa Heights" plat, following the curve of said last-named line to the centre line of Tanner's creek; thence following the centre line of Tanner's creek and a branch thereof to the intersection of said centre line with

the centre line of Colley avenue, extended northerly; thence southerly along the centre line of Colley avenue to its intersection with the western boundary of "Highland Park"; thence southerly along the said western boundary to the Cooper road; thence southerly along the Cooper road to the eastern line of the right of way of the Norfolk and western railway company's branch road running from its main track northeasterly to the Lambert's Point knitting mills; thence along the eastern side of said right of way southwesterly to the southern line of the Norfolk and western railway company's right of way; thence westerly along the south side of said right of way to Clarke street as laid down on the plat of the land of the Norfolk terminal company at Lambert's Point; thence along the centre line of Clarke street to the centre line of Kimball street; thence along the centre line of Kimball street to the centre line of Houston street; thence along the centre line of Houston street to its intersection with the low water mark of the Elizabeth river, which is the point of beginning; also beginning at the point in the harbor line on the south side of the eastern branch of the Elizabeth river, where the line between B. A. Colonna and the Hardy heirs intersects the same; and thence about south to the forks of the creek, and thence southeasterly following the middle of the southeast fork of said creek, and the southern boundary of said Colonna's property to the western boundary of the Norfolk and western railroad in such a manner as to exclude the farm of B. A. Colonna from the town of Berkley; thence following southerly along the western line of the Norfolk and western railroad company's right of way to its intersection with the Oberndorfer road; thence continuing along the western side of said road to Liberty street extended; thence along the north side of said Liberty street to the western line of Fourteenth street on the Tunis property extended; thence along the western line of said Fourteenth street to the centre of Mile Run creek; thence down the centre of said creek to the southern branch of the Elizabeth river; thence down the southern branch to the Elizabeth river proper, along the said river to the eastern branch and up the eastern branch to the point of beginning.

The courts of the said city shall have civil and criminal jurisdiction beyond the said boundaries as is now provided or may hereafter be provided by law, and the said courts shall have concurrent jurisdiction with the courts of the county of Norfolk or of the city of Portsmouth over the Elizabeth river and its tributaries lying between the said city of Norfolk and the said county of Norfolk and city of Portsmouth, subject only to the maritime and admiralty jurisdiction of the United States.

§2. The said city shall be divided into wards, as now constituted, but the number of wards may be hereafter increased or diminished and the boundaries thereof changed by the city council, as authorized by law.

§3. The administration and government of the said city shall be invested in one principal officer, to be styled the mayor; a council, consisting of two branches, one of which shall be called the "common council," and the other the "board of aldermen," and in such boards and other officers as are hereinafter provided for, and they shall perform such duties and exercise such rights and powers, respectively, as shall be vested in them by law and by this act, or any act hereafter passed amending the same.

§4. The election of the municipal officers hereinafter mentioned, except those to be elected by the council, and except the election of mayor and members of the council, and the board of control, who shall be elected as hereinafter provided, shall be held on the Tuesday after the first Monday in November, nineteen hundred and nine, and on the Tuesday after the first Monday in November in every fourth year thereafter, and their terms of office shall begin on the first day of January succeeding such election, and the said election shall be conducted under the provisions of the general election laws of the State.

§5. Whenever any special election shall be ordered by the city council for any object not provided for in the general election laws of the State, it shall communicate its order for the same to the judge of the corporation court of the city of Norfolk, and the same proceedings shall be had as are provided by the laws of the State for special elections to fill vacancies in any municipal office.

§6. In case of a vacancy arising in any municipal office provided for by this act, the city council in joint session shall elect a qualified person to fill such office for the unexpired term, except as hereinafter provided, and in case of any vacancy arising in the office of councilman, the branch in which the vacancy occurs shall elect a qualified person for the unexpired term.

§7. The mayor and the members of the city council, before entering upon the duties of their respective offices, shall each take the oaths prescribed by the laws of this State for all State officers. Such oaths may be administered by any judge of a court of record commissioned to hold any such court within said city, or by any justice of the peace within said city, and a certificate thereof shall be filed with the city clerk and be entered upon the journals of both branches of the city council. Every other person elected to any office under this act, or under any ordinance of the council, except laborers, teamsters or clerks, shall, before he enters upon the duties of his office, take and subscribe said oaths, together with such other oath as may be required by ordinance, before the mayor or any justice of the peace of said city, and a certificate of the same shall be filed in the office of the city clerk. The clerk of the corporation court of the said city shall notify all persons elected under this act by the people of their election, and the city clerk shall notify all persons elected by the council, of their election. If any person elected to any office in said city shall for ten days after receiving notice of his election fail to take such oath and give such bond, with security as may be required by law or ordinance, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled according to the provisions of this act.

§8. The mayor shall be elected by the qualified voters of the city of Norfolk for the term of four years, and until his successor shall be elected and qualify. His salary shall be fixed by the city council, payable at stated periods, and he shall receive no other compensation or emolument whatsoever.

§9. He shall, by virtue of his office, possess all the jurisdiction, and may exercise all the powers and authority, of a justice of the peace of the



said city, in addition to the powers hereby given by virtue of this act, or which may hereafter be given to him by law.

§10. It shall be his duty to communicate to the city council annually, as soon as may be after the commencement of the fiscal year, and oftener, if he shall deem it expedient, or if required by said council, a general statement of the situation and condition of the city, in relation to its government, finances, and improvement, with such recommendations as he may deem proper. The mayor shall have power to appoint, during his term of office, to serve at his pleasure, a secretary.

§11. He shall be the chief executive officer of the city, and shall take care that the by-laws and ordinances thereof are fully executed. He shall see that the duties of the various city officers and members of the police and fire departments are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers and the members of the police and fire departments, and to remove such officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal the city officer so suspended or removed shall have an appeal of right to the corporation court of the city of Norfolk, in which court the case shall be heard de novo by the judge thereof, in term time or in vacation, whose decision shall be final; and when a member of the police force or fire department is suspended he shall have the right of appeal only to the board of control.

§12. In the event of the death, resignation, or removal of the mayor, or his inability to discharge his duties from some other cause, his place shall be filled and his duties shall be discharged by the president of the board of aldermen until another mayor is elected and qualified or until such inability shall cease.

§13. Within ten days after the death, resignation, or removal of the mayor, the corporation court of the city shall order a special election, which shall be held within thirty days after such order is entered, to fill the unexpired term of such mayor: provided, the unexpired part of said term remaining after such election is as much as one year; but where the unexpired part of said term remaining after such death, resignation, or removal is less than one year, the city council in joint session shall fill the vacancy.

§14. The corporation court of the city of Norfolk may remove the mayor of said city from office for malfeasance, misfeasance, or gross neglect of official duty, and such removal shall be deemed a vacation of the office. All proceedings against the mayor for the purpose of removing him from office shall be by order of or motion before said court, after reasonable notice to him, and with the right of an appeal to the supreme court of appeals. Such motion for removal from office may be instituted and prosecuted by the city council in the name of the city on a resolution

passed by a majority of two-thirds of the members elected to each branch thereof, and for the prosecution of such motion the said council shall have the power to employ counsel and take such other steps as may be proper.

§15. An election for members of the city council shall be held on the second Tuesday in June, nineteen hundred and six, and biennially thereafter. The common council shall be composed of not less than fourteen nor more than forty members, and the board of aldermen shall be composed of not less than eight nor more than thirty members. The members of each branch of said council shall be residents of their respective wards and qualified voters therein, and shall be elected by the qualified voters of such wards, and, so far as practicable, each ward shall have equal representation in the council and in each branch thereof in proportion to the population of such ward. The members of each branch of the council shall be elected for a term of four years, but upon the first-assembling under this act, on or after September first, nineteen hundred and six, of each branch of the council, the members of each branch thereof from each ward shall be divided into two equal classes, to be determined by lot, and the term of the members of the first class shall be two years, and that of the members of the second class shall be four years, and thereafter the terms of all the members of each class shall be four years, except that in case any ward shall have only one member in each branch of the council, the member from such ward in the common council shall be a member of the first class and the member from the said ward in the board of aldermen shall be in the second class: provided, however, that in case the total membership of a branch from a ward is uneven, provision may be made in such division into classes for the assignment of the odd number to one of such classes: and provided, further, that in case the representation from any ward in either branch of the council shall be either increased or decreased from any cause, that branch of the council in which the change may occur shall, at its first meeting in September after the election of councilmen after such change, divide all the members so elected at such election for said branch from such ward, including those members in said branch from said ward holding over into classes, as hereinbefore provided, and in case, upon rearranging the said members of the council from said ward into classes, any member holding over shall fall into the second class, the term of any such member shall be continued for an additional term of two years: and provided, further, that in case the boundaries of all the wards of the city shall at any time be changed as authorized by law, each branch of the said city council shall, at its first meeting in September after the election of councilmen in accordance with the provision made for representation caused by such change of boundaries, divide the members elected to each branch of the said council, as hereinbefore provided. It shall be the duty of said council to provide by ordinance the number of members which each branch shall have so that the same shall not be more than the maximum or less than the minimum number provided for herein, and to apportion the same among the wards of the said city according to law.

§16. Each branch of the city council shall elect a president and vice-president, and the said council, as hereinafter provided, shall elect a clerk, who shall be the clerk of each branch thereof.

When the president of either branch of the city council shall be absent from the city, or unable to perform the duties of his office by reason of sickness or other cause, the vice-president thereof shall perform any and all the duties required of or intrusted to such president under any provision of this charter.

When, for any cause, both the president and vice-president of either branch of the said council shall be absent from any meeting thereof, a president pro tempore shall be elected by that branch in which such absence may occur, who shall preside during the absence of the president and vice-president thereof.

The president, vice-president, or president pro tempore who shall preside when the proceedings of a previous meeting are read, shall sign the same.

The president of either branch of the city council, or the vice-president thereof when authorized as above provided to act for the president, shall have the power at any time to call a meeting of his branch of the said council, as the case may be; and in the event of the absence, sickness, disability, or refusal of both the president and vice-president of either branch of the said council to act in calling a meeting of his branch of the said council, such branch of said council may be convened by the order in writing of any three members thereof.

Each branch of the city council shall have authority to adopt such rules and appoint such other officers and clerks as it may deem proper for the regulation of its proceedings, and for the convenient transaction of its business, which officers shall be liable to be removed by each branch, respectively, each acting for itself in this regard, with power to each branch, acting for itself, to supply any vacancy which may occur.

A majority of the members of each branch of the city council shall constitute a quorum of such branch for the transaction of business. No vote shall be reconsidered or rescinded at a special meeting unless there be present at such special meeting as large a number of members as were present when such vote was taken.

Each branch of the city council shall have power to compel the attendance of its members, to punish its members for disorderly behavior, and by a vote of two-thirds of its members to expel a member for malfeasance or misfeasance in office.

Each branch of the city council shall keep a journal of its proceedings, and the meetings shall be open, except when by a recorded vote of two-thirds of those members of either branch present it shall be declared that the public welfare requires secrecy of its proceedings.

The city council, or either branch thereof, or any of its committees, when authorized by said council or branch, the board of control, or any other board created by this charter or by ordinance under this charter, may each in any investigation held by them, respectively, within their respective powers and duties, order the attendance of any person as a witness and the production by any person of all proper books and papers. Any person refusing or failing to attend or to testify or to produce such books and papers may be summoned by such investigating body before the police justice or any officer having the power of a justice of the peace of the city, and upon failure to give a satisfactory excuse may be fined

by him not exceeding the sum of one hundred dollars or imprisoned not exceeding thirty days, such person to have the right of appeal as in cases of misdemeanor to the corporation court of the city. Such witness may be sworn by the officer presiding at such investigation, and shall be liable to prosecution for perjury for any false testimony given at such investigation. There shall be a committee of the city council to be known and designated as the finance committee. The said committee shall be composed of the vice-president of the common council and two other members thereof, and of the vice-president of the board of aldermen and one other member thereof, and the vice-president of the common council shall be the chairman of the said committee.

§17. There shall be one city clerk elected by both branches of the city council in joint session, who shall hold his office for a period of four years and until his successor shall be elected and shall qualify, unless sooner removed from office by the city council at its pleasure, except that the city clerk first elected under this charter shall hold his office during the term of the present city council, or until his successor shall be duly elected and shall qualify, and shall be liable to be removed from office as aforesaid.

The city clerk shall be the clerk of each branch of the city council, and may appoint, by and with the consent of the city council, one deputy and as many assistants as may be provided by ordinance, and the said deputy, in case of the absence from the city or of the sickness or disability of the city clerk, may perform any duties which may be imposed upon the city clerk.

The city clerk shall keep a record of the proceedings of each branch of the city council at all the sessions thereof, both separate and joint, and shall himself or by his deputy or assistants attend all said meetings. He shall also be the clerk of all committees of the city council and of such boards as may be provided by ordinance, and keep himself or by his deputy or assistants a record of their proceedings.

He shall keep all books and papers which, by the provisions of this act or by the direction of the city council, or of either branch thereof, are or shall be required to be kept by or filed with him. He shall be the keeper of the city seal. He shall make and present to the mayor a transcript of every ordinance or resolution having the effect of an ordinance passed by both branches of the city council, and keep a record thereof showing the dates of their passage by the respective branches of the city council and the date of their presentation to the mayor and of the return thereof to his office, and when any ordinance after its final passage requires publication he shall publish the same over his official signature. He shall likewise transmit to the auditor and treasurer of the city a transcript of all ordinances, resolutions, or orders appropriating money or authorizing the payment of money or the issue of bonds or notes, and to the heads of all the departments of the city government all ordinances, resolutions, or orders relating to their respective departments. He shall likewise give information to parties presenting communications or petitions to the city council of the final action of the council on such communications or petitions. He shall also publish such reports as the city council by this act are required to publish, and such other reports or ordinances as the

city council may direct, and in general shall perform such other acts and duties as the city council, or either branch thereof, shall require of him by ordinance or otherwise. He shall receive such compensation and shall give such bond, with security, as may be required of him by ordinance.

§18. Ordinances and resolutions may originate in either branch of the city council, to be approved or rejected by the other, and may be amended by either branch with the consent of the other. But when the two branches cannot agree upon any ordinance or resolution, the same shall be referred to a committee of conference, to be appointed by each branch.

§19. The rights of the city of Norfolk in and to its water front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other public places, and its gas, water, and electric works shall not be sold except by an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to each branch of the city council, and under such other restrictions as may be imposed by law; and in case of the veto by the mayor of such ordinance, it shall require a recorded affirmative vote of three-fourths of all the members elected to each branch of the said council, had in the manner herein provided for, to pass the same over the veto. No franchise, lease, or right of any kind to use any such public property or any other public property or easement of any description in a manner not permitted to the general public shall be granted for a longer period than thirty years.

Every grant of a franchise or privilege, and every contract therefor made or granted by the city, may provide that at the expiration of the term or period for which it is made or granted, the city, upon the payment therefor of a fair valuation thereof, to be made in the manner provided in the grant or contract, may purchase and take over to itself the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places, in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation, or such grant and contract may provide that such plant and property shall become the property of the city without any compensation to the grantee at the expiration of said franchise.

No ordinance granting or amending a franchise shall be introduced except at a regular meeting, nor be finally passed before the next regular meeting of the branch of the said council in which it was first introduced. No ordinance or resolution appropriating money exceeding the sum of one thousand dollars, imposing or releasing taxes, authorizing the borrowing of money, granting or amending franchises, authorizing the conveyance or disposal of any property of the city, or increasing the salary or pay of an officer or employee of the city, shall be passed by the two branches of the said council on the same day, neither shall the branch in which such ordinance or resolution is proposed pass the same on the day of its introduction, nor shall any such ordinance or resolution be valid unless at least three days intervene between its passage by the two branches, respectively. Any such ordinance or resolution, or any ordinance or resolution appropriating money exceeding the sum of one hundred dollars shall require for its passage a vote of a majority of all the members elected to each branch of the said council in favor of such ordinance or

resolution, and the yeas and nays shall be entered on the journal of each branch of the said council, respectively.

Every ordinance or resolution having the effect of an ordinance shall, before it becomes operative, be presented to the mayor. If he approve it he shall sign it, but if not, he may return it with his objections in writing to the clerk of that branch in which it originated, which branch shall enter the objections at length in its journal and proceed to reconsider it. If after such consideration two-thirds of all the members elected to such branch, or three-fourths of all the members elected to such branch in those cases herein specified as requiring three-fourths, shall agree to pass the ordinance or resolution, it shall be sent, together with the objections, to the other branch, by which it shall likewise be considered, and if approved by two-thirds of all the members elected thereto, or three-fourths of all the members elected thereto in those cases where three-fourths are necessary, it shall become operative, notwithstanding the objection of the mayor. But in all such cases the votes of both branches of the said council shall be determined by yeas and nays, and the names of the members voting for and against the ordinance or resolution shall be entered on the journal of each branch.

If any ordinance or resolution shall not be returned by the mayor within five days, Sundays excepted, after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the said council shall expire with said five days.

The mayor shall have the power to veto any particular item or items of an appropriation ordinance or resolution, but the veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided herein as to ordinances or resolutions not approved by the mayor.

§20. The city council shall have, subject to the provisions herein contained, the control and management of the fiscal and municipal affairs of the city, and of all property, real and personal, belonging to the said city; and may make such ordinances, orders, and by-laws relating to the same as it shall deem proper and necessary. It shall likewise have power to make such ordinances, by-laws, orders and regulations as it may deem desirable to carry out the following powers, which are hereby vested in it:

First. To establish markets in and for said city; prescribe the times and places for holding same; provide suitable buildings therefor, and to enforce such regulations as shall be necessary or proper to prevent huckstering, forestalling, and regrating.

Second. To erect or provide, in or near the city, suitable work-houses, houses of correction or reformation, and houses for the reception and maintenance of the poor and destitute. It shall possess and exercise exclusive authority over all persons within the limits of the city, receiving or entitled to the benefits of the poor laws, and regulate pauperism within the limits of the city; and the said council, through the agencies it shall appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Third. To acquire, build and maintain all public buildings necessary or proper for said city, and to acquire and maintain such public squares and parks as in the judgment of the city council may be convenient for the use of the said city, and to regulate the placing of signs and the use of bill-boards on or along the streets of said city.

Fourth. To erect within said city a city prison, and such prison may contain such apartments as shall be necessary for the safe-keeping and employment of all persons confined therein, and to provide, by ordinance as the said council may see fit, for the employment, either within or without said prison, of all persons sentenced to confinement in said prison for violation of the laws of the State of Virginia, or ordinances of the city of Norfolk.

Fifth. To provide for the acquisition by purchase, lease, condemnation, or otherwise, of lands, either within or without the city limits for public parks, water works, gas works, electric light plants, cold storage plants, heating plants, sewer plants, conduit plants, hospitals, and cemeteries, and for the construction and maintenance of water works, gas works, electric light plants, cold storage plants, heating plants, sewer plants, and conduit plants, may make such ordinances and regulations for the government, management, or use thereof, or of either of them, and collect such rates of charges for the use of such water, gas, electricity, or of the cold storage, heating, sewer and conduit plants, within the city limits as it may deem proper, and for the government, management and use of the public parks, hospitals and cemeteries, and for the sale of lots in cemeteries as it may deem proper, and it may open streets, lanes and public squares of said city for the purpose of carrying into effect the powers herein vested, and, to the end that full authority be given in the premises, it may in the name and for the use of said city, do all things necessary or expedient for the convenient use of any or all of the things hereby empowered in whatever way the same may be lawfully accomplished: provided, however, that for the purposes of public parks, gas works, electric light plants, cold storage plants, heating plants, sewer plants, conduit plants, and hospitals, the amount of land to be held by the city of Norfolk shall not exceed one thousand acres: and provided, further, that in addition to the powers hereinbefore enumerated the city of Norfolk shall have power to construct suitable works to convey water into said city from such place or places as it may select; and the said city may acquire by purchase, gift, lease, or condemnation and hold such lands and lands covered with water, in the counties of Norfolk and Princess Anne, or in any other county or counties in this State, as are expedient either for a supply of water, or for enlarging or improving its present water supply, or for preventing the pollution of same from impure drainage or otherwise, or for its use for its pumping stations, reservoirs, or other works necessary for operating the same: provided, that the whole area of such lands or lands covered with water shall not at any one time exceed ten thousand acres, and also such parcels of land each not exceeding one hundred feet in width in any county or counties in this State for the purpose of laying its pipes, aqueducts, or other structures for conveying its water into the city, or to its reservoirs or other places of supply and distribution, and shall have the right to erect such

dams or other structures as may be necessary for securing such supply or conveying the same for use and distribution. It shall also have the power to take and acquire such materials for construction as are now or may hereafter be conferred upon railroads or other internal improvement companies under the laws of this State, and may hold, use and employ such machinery, boats, apparatus and other appliances as it may deem proper for supplying the said city with water and for the transaction of the business pertaining thereto: provided, however, that in case part only of the land of any person is proposed to be taken by the said city, the commissioners in assessing the damages may, in their discretion, with the consent of the said city, reserve to the owners of the said land such easements or rights in or rights of way over the said land, or such part thereof as they may deem proper, and in such case the said city shall take and hold such part in fee subject to such easements, rights, or rights of way.

The said council is empowered to require all wires and cables carrying electricity to be placed in conduits; to prescribe and establish reasonable rules and regulations for the construction of such conduits; and to provide for the supervision over all electrical devices and appliances used in said city.

The said council shall have power to protect from injury by adequate penalties said works, plants, pipes, fixtures, and land, or anything connected therewith, within or without the limits of said city, and to prevent the pollution of the water by prohibiting the throwing of filth or offensive matter therein, or its pollution in any other way; and such prohibition may be enforced by proper penalties. "Nothing in this section shall be construed to abridge the right or rights now possessed by any company or companies to operate its property or extensions in the streets and public places of the city of Norfolk."

Sixth. To establish, construct and keep in order, alter or remove landings, wharves, and docks on land belonging to the city, and to lay and collect a reasonable duty on vessels coming to and using the same, and to regulate the manner of using other wharves and landings within the corporate limits, and prescribe the rates of wharfage to be paid by vessels using the same; to prevent or remove all obstructions in and upon any landings, wharves or docks; to deepen and clean the harbor and river. It may buy or build and maintain such roads and bridges within and outside of the limits of said city as may be needful and convenient to reach any suburb, town, or village, or any property of said city lying outside of the city limits, and may condemn such lands as may be necessary for the building and maintaining of such roads and bridges: and may establish and collect tolls on any such bridge.

Seventh. To close, extend, widen, narrow, lay out, graduate, improve, and otherwise alter streets and public alleys in the said city, and have them properly lighted and kept in good order, and it may make or construct sewers or ducts through the streets or public grounds of the city, and through any place or places whatsoever, when it may be deemed by the said council expedient. The said council may have over any street or alley in the city, which has been or may be ceded to the city, like authority as over other streets or alleys, and may prevent or remove any



structure, obstruction or encroachment over or under or in a street or alley, or any sidewalk thereof, and may have shade trees planted along the said streets.

Eighth. To prevent the cumbering of streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatsoever; to compel the occupant or owner of buildings or grounds to remove snow, dirt, or rubbish, from the sidewalks in front thereof.

Ninth. To extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate, and control a fire department for said city; to regulate the size, materials, and construction of buildings hereafter erected in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have, or shall become, dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to, or enlarged, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, or iron: provided, however, that by a vote of two-thirds of all the members of the city council, permission may be granted for storage sheds constructed on pile piers or wharves on the water front, the sides and roofs of which shall be covered with corrugated iron or other fireproof material.

Tenth. To authorize the laying down of railroad tracks and street car tracks upon the streets of said city, to be maintained and operated under such regulations as the said council may prescribe.

Eleventh. To determine and designate the route and grade of any railroad to be laid in the city, and to restrain and regulate the rate of speed of locomotives, engines and cars upon the railroads within the said city, both commercial and street, and may wholly exclude such engines and cars, if it please, provided no contract be thereby violated.

Twelfth. To regulate and prescribe the breadth of tires upon the wheels of wagons, carts and vehicles of every kind and description used upon the streets of said city.

Thirteenth. To require any or all articles of commerce or traffic to be gauged, inspected, measured, weighed, or metered.

Fourteenth. To require every merchant, retailer, trader, or dealer in merchandise or property of any description, which is sold by measure, or weight, to have such measures and weights sealed, and to be subject to inspection.

Fifteenth. To provide for, or aid in, support of public free schools, colleges and libraries, and make appropriations to non-sectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such city.

Sixteenth. To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, prevent the introduction or spreading of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of

persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the appointment and organization of a board of health or other board, to have the powers of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to regulate the burial, cremation, or disposition of the dead; to compel the return of births and deaths to be made to its health department, and the return of all burial permits to such department.

Seventeenth. To acquire by purchase, condemnation, or otherwise, either within or without the city, lands to be appropriated, improved and kept in order as places for the interment of the dead, and may charge for the use of the grounds in said places of interment, and may regulate the same: to prevent the burial of the dead in the city, except in public burying grounds; to regulate burials in said grounds; to require the keeping and return of bills of mortality by the keepers or owners of all cemeteries, and shall have power to acquire by purchase, condemnation, or otherwise, according to law, such lands and in such quantity as it may deem proper or necessary for the purpose of burying the dead.

Eighteenth. To establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State and of the United States.

Nineteenth. To require and compel the abatement and removal of all nuisances within said city, or upon any property owned by said city without its limits, at the expense of the person or persons causing the same, or the occupant or the owner of the ground whereon the same may be; to prevent or regulate slaughter-houses and soap and candle factories within said city, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to regulate the location of stables and the manner in which they shall be constructed and kept.

Twentieth. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or occupant thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said council may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, and may collect the expense of so doing from the said owner or occupant by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected: provided, that reasonable notice shall be first given to the said owner or occupant, or his agent. In case of non-resident owners, who have no agent in said city, such notice may be given by publication for not less than ten days in any newspaper published in said city, such publication to be at the expense of said owner, and the cost thereof to be collected as a part of the expense hereinbefore provided for.

Twenty-first. To direct the location of all buildings for storing gunpowder or other explosive or combustible substances; to regulate or pro-

hibit the sale and use of dynamite, gunpowder, fire-crackers, or fire-works, kerosene oil, nitro-glycerine, camphene, burning fluid, and all explosive or combustible materials, the exhibition of fire-works, the discharge of fire-arms, the use of candles and lights in barns, stables and other buildings, the making of bonfires, and the carrying of concealed weapons.

Twenty-second. To prevent the running at large in said city of all animals and fowls, and to regulate or prohibit the keeping or raising of the same within said city, and to subject the same to such confiscation, levies, regulations, and taxes as it may deem proper.

Twenty-third. To prevent the riding or driving of animals at improper speed; to regulate the speed and manner of use upon the streets of said city of all animals or vehicles; to prevent the flying of kites, throwing of stones, or the engaging in any employment or sport in the streets or public alleys dangerous or annoying to the public, and to prohibit and punish the abuse of animals.

Twenty-fourth. To restrain and punish drunkards, vagrants, mendicants, and street beggars.

Twenty-fifth. To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gaming houses; to prevent lewd, indecent, or disorderly conduct or exhibitions in the city, and to expel from the said city persons guilty of such conduct who shall not have resided therein as much as one year.

Twenty-sixth. To forbid and prevent the selling or other disposition of liquors or intoxicating drinks to be drunk in any boat, store, or other place not duly licensed; and to forbid the selling or giving to be drunk of any intoxicating liquors to any child or minor; and for violation of any such ordinance may impose fine or imprisonment in addition to those prescribed by the laws of the State.

Twenty-seventh. To prevent, prohibit, or regulate the coming into the city from points either within or beyond the limits of the State of paupers or persons having no ostensible means of support, or persons who may be dangerous to the peace or safety of the city; and for this purpose may require any railroad company, the captain or master of any vessel, or the owner of any conveyance bringing any such person to or leaving him in said city to enter into bond, with satisfactory security, that such person shall not become chargeable to the city within one year from the date of his arrival, or may compel such company, captain, or master or owner to take any such person back to the place whence he was brought, and may compel any such person to leave the city if he has not been in the city more than ninety days before the order is given.

Twenty-eighth. And the said council shall also have power to make such other and additional ordinances as it may deem necessary for the general welfare of said city; and nothing herein contained shall be construed to deprive said city of any of the powers conferred upon it either by general or special laws of the State of Virginia, except in so far as the same may be inconsistent with the provisions of this charter.

§21. When the city council has authority to pass ordinances on any subject, it may prescribe punishments for a violation thereof, either by fine not exceeding five hundred dollars or imprisonment not exceeding

six months, or both, except where a penalty is herein otherwise provided for; and may provide that the offender, failing to pay the fine imposed shall be imprisoned in the city jail for a term not exceeding three months; and the proceedings under any such ordinance shall be prosecuted in the name of and the fines and costs shall accrue to the city of Norfolk, and in case of any conviction of any person to whom a license has been granted to do business in the said city either for misconduct or for a violation of any ordinance regulating the business to be conducted under said license, the said council may provide for the revocation and forfeiture of the said license in addition to the above penalties.

The city may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding that an ordinance may provide punishment for its violation.

§22. No ordinance hereafter passed for the violation of which any punishment is imposed shall take effect until the same shall have been published for five days in successive issues in one or not exceeding two of the daily newspapers published in the city of Norfolk: provided, however, that this requirement shall not apply to an ordinance merely granting some right or privilege, not otherwise required by law to be published, nor to an ordinance reordained or amended and reordained in or by a general compilation or codification of ordinances printed by authority of the council.

A record or entry made by the city clerk or a copy of such record or entry duly certified by him shall be prima facie evidence of the terms of the ordinance and its due publication.

All laws, regulations, and ordinances of the city council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the city clerk or from the volume of ordinances printed by authority of the council.

§23. The city shall not take or damage any private property for streets or other public purposes without making to the owner or owners thereof just compensation for the same. But in all cases where the city council cannot, by agreement, obtain title to the ground necessary for such purposes, it shall be lawful for it to apply to the circuit court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lie within the city, to condemn the same.

§24. In every case where a street in said city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown, the occupant or occupants of the premises so encroaching, to remove the same. If such removal shall not be made within the time ordered by the city council, it may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same process by which it is hereinafter empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute an adverse possession thereto, or confer any rights upon the person claiming thereunder, as against said city.

§25. Whenever any street, alley, or lane shall have been opened to and used as such by the public, for the period of five years, the same shall thereby become a street, alley, or lane for all purposes, and the city shall have the same authority and jurisdiction over and right and interest therein as it has by law over the streets, alleys, and lanes laid out by it. And any street or alley reserved in the division or sub-division into lots of any portion of the territory within the corporate limits of the city by a plat or plan of record shall be deemed and held to be dedicated to the public use, and the city council shall have authority, upon the petition of any person interested therein, to open such street or alley, or any portion of the same. No agreement between or release of interest by the person owning the lands immediately contiguous to any such alley or street, whether the same has been opened and used by the public or not, shall avail or operate to abolish said alley or street, so as to divest the interest of the public therein, or the authority of the city council over the same. No property shall be laid out by the owner thereof with streets or alleys thereon within said city except upon a plan to be approved by the city council, and the said city shall not be liable for any accidents which may occur upon any street or alley upon any plan, whether heretofore or hereafter laid out, until the said streets and alleys have been accepted by the city council.

§26. The city council may impose taxes or local assessments upon the abutting landowners for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction or use of sewers: provided, that the same, when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting landowners, and may by general or special ordinances provide for such taxes or local assessments.

§27. There shall be elected by the qualified voters of the city of Norfolk on the Tuesday after the first Monday in November, nineteen hundred and nine, and quadrennially thereafter, the following officers: One attorney for the Commonwealth, one commissioner of the revenue, one city treasurer, and one city sergeant, who shall hold their offices for the term of four years from the first day of January ensuing their election, and until their successors are duly elected and qualified, unless sooner removed from office: provided, however, that in case the mode of choosing or selecting the commissioner of the revenue should be changed by the general assembly, that officer shall be chosen or selected in the mode so prescribed.

And there shall be elected by the qualified voters of the said city of Norfolk on the Tuesday after the first Monday in November, nineteen hundred and thirteen, and every eight years thereafter, one clerk of the corporation court of the city of Norfolk, and one clerk of the circuit court of the said city of Norfolk, whose terms shall begin and end as is now or may be prescribed by the general assembly of this State: provided, however, that such additional clerks of courts for the said city of Norfolk as the general assembly may hereafter prescribe shall be elected by the qualified voters of the said city at such time and for such terms as may be prescribed by the said general assembly.

All other officers, whether required by law or ordinance, not required

to be elected by the qualified voters of the said city, and all clerks and assistants, authorized by this act to be elected by the city council, shall be elected by the said council in joint session; and the election or appointment of all officers, superintendents, chiefs, assistants, heads of departments, or other employees, whose election or appointment must be confirmed by the city council, shall in like manner be acted on by the said council in joint session. Such joint session of the city council shall be held on the first day of September after each election of members of the said council, unless that day shall fall on Sunday, in which case it shall be held on the following Monday, or as soon thereafter as may be practicable, for the election or confirmation of such officers, superintendents, chiefs, assistants, heads of departments, or other employees, as should then be elected, or whose election or appointment should then be acted on, and shall adjourn from day to day, Sundays excepted, until such election or action on elections or appointments shall have been completed, and a joint session of the said council may be called at any time by the president of the board of aldermen, or in case of his refusal to call a joint session or inability from any cause to do so, then under such rules as may be prescribed by the said city council in joint session, for the purpose of electing any officer or other person required to be elected by the city council, or action upon any nomination, whose election or appointment must be confirmed by the said council, or for any other purpose for which a joint session of the said council is required.

All joint sessions of the city council shall consist of a quorum of each branch of the said council, for the election or action upon the election or confirmation of any such officers, superintendents, chiefs, assistants, heads of departments, or other employees, and the voting in every such case shall be *viva voce*, and any election or confirmation shall require a majority of all the members present in joint session.

The said city council shall have power to create such offices and provide for such clerks and assistants as it may deem necessary not inconsistent with this act, or the Constitution and laws of this State or of the United States.

§28. There shall be elected by the city council in the manner hereinbefore provided, on the first day of September, nineteen hundred and six, or as soon thereafter as practicable, and quadrennially thereafter, a justice of the peace, who shall hold the police court, and act as police justice of the city, and shall have such powers as are now or may hereafter be conferred on him by law. After the election of the police justice, and quadrennially thereafter, there shall be elected by the city council, in the manner hereinbefore provided, a justice of the peace for each ward of said city, who shall reside, during his term of office, in the ward for which he may be elected.

§29. There shall be elected by the city council, in the manner hereinbefore provided, at its first meeting in September, nineteen hundred and six, or as soon thereafter as practicable, and biennially thereafter, one high constable for the city of Norfolk, who shall hold his office for two years and until his successor shall be elected and shall qualify. He shall qualify in the corporation court of the city of Norfolk, and shall give bond with surety to be approved by the corporation court of said city, in

the penalty of five thousand dollars, payable to the Commonwealth of Virginia, and conditioned for the faithful performance of his duties, said bond to be filed in the office of the clerk of said court. He shall perform such duties, have such powers, and be subject to such penalties as are now or may be hereafter prescribed by law in reference to constables. Said high constable may appoint, with the approval of the city council, one or more deputies to attend to and execute the duties of his office. But the surety on the bond of the said high constable shall be equally liable for the acts of the said deputy or deputies as for those of the principal. The city council shall have power to remove the high constable or any of his deputies for cause and appoint others in their place.

§30. If any person having been an officer in said city, shall not within ten days after the expiration of the term of his office or his vacation or removal therefrom, and upon notification and request of the mayor, or within such time thereafter as the city council shall allow, deliver over to the city clerk all the property, books, and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs. And all books, records and documents used by any city officer in his office or pertaining thereto, shall be deemed the property of said city, and the chief officer in charge of said office shall be responsible therefor.

§31. The city council shall grant and pay to all officers, clerks, and assistants, elected or appointed under or in pursuance of this act, such salaries or compensation as the said city council may provide, and shall also provide for the payment of the salaries of any officers which may be required by the State law to be paid in whole or in part by the said city: provided, however, that the compensation of no officer or employee, whether paid in whole or in part by the said city, shall be increased by the said city during his term of office, or employment, and that this also shall apply to all officers or employees whose compensation is made up of fees in whole or in part. All officers elected by the city council and all officers or employees whose nomination requires the approval of the said council may be removed from office or discharged from employment at its pleasure, but this power shall not be construed to interfere with the authority of the mayor to suspend or remove any city officer or employee as hereinbefore provided, and shall be construed to be concurrent with the power given under this charter or which may be given by ordinance to the board of control to exercise the right of suspension or removal in any case.

§32. The city council may, so far as is not inconsistent with the provisions of this act, define the powers, prescribe the duties and compensation, and require and take from any of the city officers bonds with surety in such penalties as the city council may prescribe, payable to the said city and conditioned for the faithful performance of the duties of their respective offices. The sureties on the bond of any such officer shall be equally liable for the acts of any deputy or deputies of such officer as for those of such officer himself. All bonds required of any officer under this charter or by any ordinance shall be with sufficient surety or

sureties, shall be approved by each branch of the city council, entered on their records, and shall be filed with the city clerk, unless otherwise specially provided.

§33. The parties to bonds taken in pursuance of the preceding section shall be subject to the same proceedings on the said bonds for enforcing the conditions and terms thereof, by motion or otherwise, before the corporation or circuit court of the city of Norfolk, as are now or may hereafter be provided in the case of collectors of the county levy and their sureties on their bonds for enforcing payment of the county levies.

§34. There shall be elected, as hereinbefore provided, one city treasurer, who shall hold his office for the term of four years and until his successor shall be elected and qualify, unless sooner removed from office, but he shall not be eligible for more than two successive terms nor act as deputy for his immediate successor. He shall give bond with surety in a sum not less than fifty thousand dollars.

The said treasurer, on and after January first, nineteen hundred and ten, in addition to the duties now imposed on him by law, shall collect all city taxes, levies, rents, and assessments, and perform all the duties heretofore performed by the collector of city taxes and levies, and for that purpose shall have all the authority now conferred by law or ordinance, or which may hereafter be conferred by law or ordinance on the collector of city taxes and levies.

The said treasurer, on and after the first day of September, nineteen hundred and six, shall collect all water rents, assessments, and revenues of the city for the use of water, the same as now collected by the registrar of the water department, and shall also be considered and act as the treasurer of the board of control, acting in its capacity as a water board, or board of water commissioners.

It shall be the duty of the said city treasurer to conduct all the proceedings and render all services necessary to perfect the sale and transfer of real estate in said city where the same shall be sold or advertised for sale for the non-payment of any tax or assessment imposed by the city council, as hereinafter provided: provided, however, that the city collector now in office shall conduct the said proceedings and render the said services until the termination of his present term of office. The said city treasurer shall also perform such other duties, have such powers, and be liable to such penalties as are now prescribed or which may hereafter be prescribed by law or ordinance.

§35. There shall be elected by the qualified voters of the city of Norfolk, or appointed as hereinbefore provided, one commissioner of the revenue, who shall hold his office for the term of four years and until his successor shall be elected or appointed and qualify, unless sooner removed from office. Should he be elected by the people, he shall be ineligible for re-election to the office for the next succeeding term. He shall give bond with surety in a sum not less than ten thousand dollars. He shall perform such duties, not inconsistent with the laws of the State in relation to the assessment of property and licenses, as may be required by the city council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the



city council in the assessment of license or other taxes for the city. He shall make such reports in regard to the said assessment of both property and licenses, or either, as may be required by the city council, or either branch thereof, or the finance committee of said council.

§36. In case of a vacancy in the office of city treasurer or commissioner of the revenue the city council shall elect a qualified person to fill the office in which the vacancy occurs for the unexpired term.

In case of a vacancy in the office of city collector during the term of the present incumbent, the powers and duties of said officer shall at once devolve upon the city treasurer.

§37. The city council, in joint session, at its first meeting in September, nineteen hundred and six, or as soon thereafter as practicable, and quadrennially thereafter, shall elect a city engineer, who shall hold office for the term of four years from the date of his election, or until his successor is duly elected and qualified.

No person shall be eligible as city engineer who is not a citizen of the State of Virginia, and after an examination by a board of three prominent civil engineers, selected by the city council, has not received a certificate from the said board that he is a competent civil engineer: provided, however, that any person who has previously passed such examination and received such certificate, and has continued to practice the profession of civil engineer since receiving such certificate, shall be eligible without further examination.

The city engineer shall give such bond with security and with such conditions and receive such compensation as the city councils may prescribe. He may appoint, subject to the approval of the city councils, in joint session, such assistants for such terms and upon such compensation as shall be prescribed by the city council, and he may appoint such employees as may be necessary to carry out the duties of his office as required by this act or any ordinance of the said council: provided, that the whole expense of administering his office shall not exceed the sum or sums appropriated therefor: and provided, further, that the city council shall have the power to discontinue the services of the said assistants and employees, or any one or more of them, at its pleasure.

During his absence from the city or disability his first assistant shall perform all the duties of the city engineer, and the acts of the said first assistant shall be as valid as if performed by the city engineer in person.

The city engineer shall perform such duties as pertain to the civil engineering profession required by the city council or the board of control. He shall have special charge, subject only to the board of control and the city council, of all bridges, sewers, and sewerage pumping stations of the city of Norfolk and of their maintenance, and shall keep himself informed as to the general condition of the public streets, thoroughfares, and public buildings, and shall have general supervision thereof.

All plans, specifications, estimates, and contracts for the construction of the foregoing public works, their improvement or repair, shall be made either under the direction of the city engineer or else be subject to his approval, and he shall see that the provisions of all contracts, ordinances, or regulations relating thereto, are strictly complied with. He

shall superintend the construction, improvement, and repair of all of the foregoing public works, and perform any other engineering work that the board of control or the ordinances of the city may require.

When requested by the city council, or any committee thereof, the board of control or the city attorney, the city engineer shall prepare any plan or report required, or furnish them with copies of any plan or document in his custody.

He shall keep proper records of all matters, including all maps, drawings, and papers pertaining to his office, and be the custodian thereof, and shall report to the city council, or to the board of control, from time to time, such recommendations in matters connected with his department, as he may deem expedient.

The city engineer shall also be the city surveyor, and as such his acts in the matter of surveys, shall be as valid and effectual as if the same were done by the surveyor of a county. The fees for such services as may be required of him in the capacity of surveyor shall be collected in advance by him and turned into the city treasury.

§38. The mayor shall, at the first meeting of the city council in September, nineteen hundred and nine, or as soon thereafter as practicable, and biennially thereafter, nominate to the said council a city attorney, who shall be a resident of and practicing attorney in the said city, to serve for the term of two years from the first day of January next following his said nomination, and upon his election by the said council in joint session, the person so elected shall serve as such city attorney for the said term, and until his successor is duly elected, unless sooner removed from office. In case of any vacancy in the said office from any cause, the city council shall, upon the nomination by the mayor, fill such vacancy for the unexpired term. The city attorney shall be the legal adviser and representative of the city during his term, and shall perform such duties as may be prescribed by ordinance. He shall receive such compensation and shall have such assistance as may be provided by ordinance.

§39. The city council may, in the name and for the use of the city, contract loans or cause to be issued certificates of debt or bonds, but such loans, certificates, or bonds shall not be redeemable for a period greater than thirty-four years: provided, however, that it shall not subscribe to or become interested in the stock or obligations of any company, association, or corporation for the purpose of aiding in the construction or maintenance of its work, nor shall the credit of the city, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, association, or corporation, and the said council shall not issue any such certificates of debt or bonds, nor issue any indebtedness in the name of or for or on account of the city, or increase the said indebtedness thereof, at any time before January first, nineteen hundred and eleven, to an amount greater than twenty per centum of the assessed valuation of the real estate in the city, subject to taxation, as shown by the last preceding assessment for taxes, after which said January first, nineteen hundred and eleven, said ratio of indebtedness to the assessed valuation, as shown by the last preceding assessment for taxes, shall be decreased to eighteen per centum, after which time the limit of said ratio shall be and shall

continue eighteen per centum of the assessed valuation of the real estate, subject to taxation, as shown by the last preceding assessment for taxes: provided, however, that at all times in determining the limitation of the power of the city to incur indebtedness there shall not be included the classes of indebtedness mentioned in sub-sections a and b of section one hundred and twenty-seven of the Constitution of the State.

§40. For the execution of its powers and duties the city council may raise annually, by taxes and assessments, in said city, such sums of money as it shall deem necessary to defray the expenses of the same, and in such manner as it shall deem expedient, in accordance with the Constitution and laws of this State and of the United States: provided, however, that it shall impose no tax on the bonds of said city.

§41. The city treasurer, as the collector of city taxes and other assessments, shall be vested with any or all the powers which are now or may hereafter be vested in him as collector of State taxes, and the city council may, in the name of the city, proceed against him for any failure to perform his duties; and the city council is authorized and empowered to appoint for the city of Norfolk, from time to time, a collector of delinquent taxes, whether head tax or on personal or real estate, who shall have all the powers for collecting the same which are now or may be hereafter vested in the treasurer of the city of Norfolk for the collection of State taxes. The said council may fix his duties, powers, compensation, and term of office, a single term, however, not to exceed two years, and may determine by ordinance what delinquent taxes shall be collected by the said treasurer, and what by the collector of delinquent taxes, and it may prescribe the mode of proceeding of the collector of delinquent taxes, the mode of proceeding against him for failure to perform his duties, and require of him such bond as it may deem proper.

§42. All goods and chattels of any person against whom taxes for the city are assessed may be distrained and sold for said taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for State taxes.

§43. A tenant by whom payment is made or from whom payment is obtained, by distress or otherwise, of taxes or levies due the city, by a person under whom he holds, shall have credit for the same against such person out of the rents he may owe him, except when the tenant is bound to pay such taxes and levies by an express contract with such person. And where taxes or levies are paid to the city by any fiduciary on any estate in his hands or for which he may be liable, such taxes and levies shall be refunded out of the said estate.

§44. There shall be a lien on all real estate and on each and every interest therein for the city taxes assessed thereon, from the commencement of the year for which they were assessed, and also for all local assessments which may be made thereon according to law. The city council may require such real estate in the city delinquent for the non-payment of taxes or assessments, to be sold for said taxes or assessments, with interest thereon at the rate of six per centum per annum, and such percentage as it may prescribe for charges; such real estate shall be sold and may be redeemed under the provisions hereinafter made.

§45. The city treasurer, or the city collector until January first, nineteen hundred and ten, shall at the May session of the city council each year, or if no session of the said council be held in the month of May, then at the next session of the council thereafter, make a report to the said council of all the real estate in the city delinquent for city taxes assessed thereon for two years from the date when said taxes became a lien on said real estate, and the said council shall approve, or amend and approve, the said list and give the treasurer, or the city collector, as the case may be, due credit for the amount of delinquent taxes on the list as approved; and thereupon the said treasurer, or the city collector, as the case may be, shall, under the direction of the city council, make sale to the highest bidder of the said several parcels of real estate so returned and approved delinquent, or so much thereof as may be necessary for the taxes assessed thereon, with the interest thereon and such percentage as it may prescribe for charges, unless the same shall have been previously paid, at the front door of the courthouse of said city, on the first Tuesday in September, unless otherwise specially directed by the council, after having published a notice of the time and place of such sale in one or more of the daily newspapers published in the said city for at least ten days previous to such sale, and also in one or more of said daily newspapers, on some day not more than twenty days previous to such sale, a list of the several parcels of real estate to be sold, describing therein each parcel of said real estate as it is described on the assessment rolls of the year for which it is delinquent, together with the name of the person to whom each parcel is assessed, and the amount of the tax or assessment thereon, interest and charges: provided, however, that such real estate as may already have been sold at any delinquent tax sale under this charter and shall have been purchased at such sale by the city, and shall not have been redeemed, shall not be sold at such sale. Such sale may be adjourned from day to day until completed.

§46. On such sale the city treasurer shall execute to the purchaser a certificate of sale, in which the property purchased shall be described and the aggregate amount of tax or assessment with charges and expenses specified: provided, however, that until the termination of his office the city collector shall execute such certificate of sale; but neither the city treasurer nor the city collector shall for himself, either directly or indirectly, purchase any real estate so sold.

§47. If at any such sale no bid shall be made for any parcel of land offered for sale equal to the tax or assessment, with the interest and charges thereon, then the same shall be struck off to the city and the city treasurer or the city collector, as the case may be, shall execute to the city a certificate of sale, as hereinbefore provided in the case of any other purchaser, and shall deposit such certificate with the city clerk.

§48. The owner of any real estate so sold, his heirs or assigns, or any person having a lien upon or right to charge such real estate for debt, or any person having any interest whatever in said real estate, may redeem the same by paying to the purchaser, his heirs or assigns, within two years from the sale thereof, the amount for which the same was sold, and such additional taxes thereon as may have been paid by the pur-

chaser, his heirs or assigns; or, if purchased by the city, such additional sums as would have accrued for taxes thereon, if the same had not been purchased by the city, with interest in either event on the said purchase money and taxes at the rate of six per centum per annum, from the time that the same may have been so paid, or become due, or the same may be paid within the said two years, to the city treasurer, in any case in which the purchaser, his heirs, or assigns, may refuse to receive the same, or may not reside, or cannot be found in the city of Norfolk.

§49. Any person under legal disability whose real estate may have been so sold, or his heirs, may redeem the same by paying to the purchaser, his heirs, or assigns, or to the city if it become the purchaser, within two years after the removal of the disability, the amount for which the same was sold, with the necessary charges incurred by the purchaser, his heirs, or assigns, in obtaining the title under the sale and such additional taxes on the said real estate as may have been paid by the purchaser, his heirs or assigns, or assessed, if the city become the purchaser, with interest thereon at the rate of six per centum per annum, from the time the same may have been paid or become due, and the actual value of any improvements that may have been made thereon. Upon such payment within two years after the removal of such disability the purchaser, his heirs, or assigns, shall, at the cost of the original owner, his heirs, or assigns, convey to him or them by deed with special warranty the real estate so sold.

§50. The purchaser of real estate sold for taxes and not redeemed, shall, after the expiration of two years from the sale, obtain from the city treasurer a deed conveying the same, wherein shall be set forth what appears of record in his office in relation to the sale. When the purchaser has assigned the benefit of his purchase the deed may, with his assent, evidenced by his joining therein or by a writing annexed thereto, to be executed to his assignee. If the purchaser shall have died, his heirs, or assigns may move the corporation court of said city to order the treasurer to execute a deed to them.

§51. When the purchaser of any real estate sold for taxes, his heirs, or assigns, shall have obtained a deed therefor, and within sixty days from the date of such deed, shall have caused the same to be recorded, such real estate shall stand vested in the grantee in such deed in fee, notwithstanding any irregularity in the proceedings under which the said grantee claims title, unless such irregularity appears on the face of the proceedings: provided, however, that if the taxes for the non-payment of which the same was made were not in arrear, and such fact be proved by the party entitled to such real estate alleging the same, such deed shall be void.

§52. In case any real estate purchased by the city, as hereinbefore provided, shall not be redeemed within the time specified, the city treasurer shall, within sixty days after the expiration of two years from the sale, cause to be recorded in the clerk's office of the corporation court of the city of Norfolk a list of all the real estate purchased by the city at such sale, according to the facts given in each certificate of sale, as hereinbefore provided, and make oath thereto that the said list is correct, and that

the real estate therein mentioned has not been redeemed, and thereupon the said city shall acquire an absolute title in fee to all the real estate mentioned in said list as fully and completely as if a deed had been made to the city for each parcel of real estate mentioned in said list, as is required and provided in the case of any purchaser other than the city. The said list, with the oath thereto, shall be recorded in the said clerk's office, in the same manner as is provided for recording deeds and indexed in the name of each party whose lands were returned delinquent and sold, and a certified copy thereof shall in all courts and other places be evidence of the facts therein stated: provided, however, that the failure to obtain or record such list shall not invalidate the lien of the city for any or all taxes assessed against such real estate, but the city may, at any time, elect to enforce its lien for such taxes in a court of equity and in such suit become the purchaser of such real estate: and provided, further, that the city council may make such rules and regulations by ordinance for reconveying any real estate so purchased by the said city to the owner thereof as may seem proper, or for the release of said real estate to the owner upon the payment of all taxes in arrear, costs, and charges: and provided, further, that the city shall have the right to provide by ordinance for the disposition in any way that may seem proper to the city council of any real estate which may have been purchased by it at any sale for delinquent taxes, and shall not have been redeemed.

§53. The city council, in joint session, at its first meeting in September, nineteen hundred and six, or as soon thereafter as practicable, and quadrennially thereafter, shall elect two citizens, freeholders, to hold their positions for four years from the first day of September in said year, or until their successors are elected and qualify, who, together with the chairman of the finance committee of the said council, shall constitute a board of sinking fund commissioners. Whenever a vacancy shall occur in said board by reason of the death, resignation or otherwise, of either of the said freeholders, the said city council, in joint session, shall elect some person, being a citizen and freeholder, to fill such vacancy.

The said board shall be known as the "board of sinking fund commissioners of the city of Norfolk," and shall receive and hold all the funds of the said city now or hereafter appropriated by the said city council as a sinking fund for the purpose of meeting the indebtedness of the said city, and manage and invest the same and receive the interest or income therefrom, and may at all times, either in its own name, or in the name of the city of Norfolk, institute and prosecute any suit, at law or in equity, which in the opinion of said board may be necessary in the management, preservation or protection of said fund.

The treasurer of the said city shall pay over to the said board all moneys appropriated to the said fund by any law or ordinance which may now or hereafter be effective.

All moneys received by the said board shall be invested in registered bonds either of the United States or of the State of Virginia, or of the city of Norfolk, in either or all of them, and in such proportions as to the said board may seem proper, and may also be invested in the floating or temporary obligations of the said city as the same may be authorized

and issued from time to time, and shall be held by the said board subject to be appropriated by ordinance of the said city council to the payment in whole or in part of the debt of the said city: provided, that the funds received by the said board for the payment of the Norfolk city water bonds, and the accumulations thereof, shall be held solely for the payment of the said Norfolk city water bonds when and as they shall fall due: and provided, further, that the said sinking fund, exclusive of that held for the redemption of the Norfolk city water bonds, shall not at any time be reduced below the sum of two hundred thousand dollars by any appropriations from said fund to the payment of the indebtedness of the said city so long as there may be any bonded indebtedness of the said city outstanding for that amount or more.

It shall be the duty of the board to protect the city against any increase of indebtedness beyond the limit provided by law, and all bonds of the city hereafter issued, except such bonds as may be issued beyond the limit, as provided by section one hundred and twenty-seven of the Constitution of the State, shall have upon them a certificate to that effect signed by all the members of the said board.

Each member of the said board, before entering upon the duties of his office, shall give bond, payable to the said city for such amount and in such manner as may be prescribed by the city council, and conditioned for the faithful performance of the trust reposed in him.

The said board shall annually, during the month of January of each year, report to the city council all bonds, securities, and moneys in its hands or under its control, and also at such other times as may be required by the city council or either branch thereof, and such accounts shall be examined and audited as soon thereafter as practicable by an auditing committee or by such agency or other means as the city council may direct. The said board shall also report to the treasurer of the city all investments made by it, and all moneys received by it, and the city treasurer shall keep an account of the same and report the said account to the city council annually in January of each year, and when otherwise required to do so by the city council or either branch thereof.

§54. There shall be a board of control for the said city, to be composed of three members, who shall be qualified voters of the said city.

At the first election held for members of the city council under this act there shall be elected from among the qualified voters of the said city the three members of the board of control, one of whom shall serve for the term of two years, one for the term of four years, and one for the term of six years from the first day of September, nineteen hundred and six, and at each successive biennial election held for members of the city council there shall be elected one member of said board for the term of six years from the first day of September next ensuing; and the three members first elected under this act shall draw lots to determine the terms of the members so elected.

In case any vacancy should occur in said board by reason of the death, resignation, or otherwise, of either member of said board elected as aforesaid, it shall be filled by an election by the city council, in joint session, of some person who is a qualified voter, until the next election of

members of the city council, when, if the term would not then expire, a member for the unexpired term caused by such vacancy shall be elected by the voters of the said city.

Each of the members of the board of control elected as aforesaid shall be required to give bond with security, payable to the said city conditioned for the faithful performance of his duties as a member of the said board in such penalty as may be prescribed by the city council, and said members shall receive such compensation during their terms, respectively, as may be prescribed by the said city council. The compensation of all the members of the said board may be increased or diminished to take effect at the expiration of the term of any one member, anything to the contrary hereinbefore notwithstanding.

The said board of control, subject to such rules and regulations as may be prescribed by law or ordinance, shall have the management and control of all the streets and alleys, including sidewalks and all public ways whatsoever; all public bridges, with their foundations, approaches and abutments, all public squares and parks, all the public buildings, all sewers, drains, and waterways; the water works and plant, all public cemeteries, markets, almshouses, and crematories. It shall also have like control and management of the police, fire and health departments, and all property appertaining to the same, and generally to have the control, management and jurisdiction of the existing departments of the boards of street, sewer, and drain commissioners, the water commissioners, the police commissioners, the fire commissioners, the board of health, the inspection of buildings, the board of electrical control, and all works and properties now under the direct control of the council committee and all other public utilities, works and improvements that are now owned or controlled by the said city and not herein specially enumerated, and such other as may be acquired by the said city, and also the gauging, inspection, measuring, weighing, and metreeing of all articles of commerce or traffic; and the said board shall have all such powers of a board of health as are now or may hereafter be prescribed by law or ordinance.

The management and control which the board of control shall have over the several departments and works entrusted to it shall be in accordance with such rules and regulations respecting the same as are in force when this charter takes effect or as shall thereafter be adopted by the council by ordinance. Such rules and regulations shall define the duties of the officers of the several departments and works and provide for the protection of all the public works and property of the city under the management and control of the said board against injury and trespass and for the protection of the streets, lanes, alleys, wharves, parks, and other public property against nuisances, obstructions, and injuries, and for the summary removal of all nuisances, unlawful obstructions or encroachments thereon, and for the punishment of persons or corporations committing such trespass, injuries, nuisances, obstructions, or encroachments.

The said board of control shall be considered as in session from day to day without any regular adjournment, Sundays and legal holidays excepted, and shall keep a record of its proceedings, which shall at all



times be open to public inspection. It shall elect a chairman to serve during its pleasure, and any two members shall constitute a quorum for business. The city clerk shall be the clerk of the said board for the purpose of keeping its minutes and records, but may act as such either through his deputy or one of his assistants. The said board shall make to the city council from time to time such reports as may be required by the said council, or by either branch thereof. The said board shall annually, not later than the first day of March of each year, make and file with the city clerk an estimate of the amount required for each department under its control for the next fiscal year thereafter, showing also the improvements contemplated and the probable cost thereof.

It shall be the duty of the said board to see that all contracts made by or for the city are carried out, and that the conditions and requirements of all grants and franchises are adhered to.

The said board shall act as board of contract and supply, and it shall be its duty to make all contracts for the performance of any work or for the supply of any materials for the use of any department of the city under its control in accordance with the ordinances making appropriations therefor, but in making purchases for said departments they shall always be made by the board under proper requisitions therefor and under the rules and regulations established by ordinance or by said board not in conflict therewith, and after a resolution of the board authorizing such purchase, except in cases of emergency where great loss or damage to the city would ensue, and when, in such cases, the head of the department where such emergency exists shall file with the clerk of the board a certificate approved by the chairman showing such emergency and the necessity for the expenditure. The said board shall make no contract on behalf of the city unless first authorized by the city council by an ordinance or resolution making an appropriation therefor. All contracts for work or materials shall be let after public bidding, where practicable, unless otherwise provided by ordinance. Said board shall have power to reject any or all bids.

When any work done or materials purchased shall have been required by ordinance to be done or purchased under the approval of the city engineer or the chief or head of any department, the said board shall order no bill paid for the same without the approval of the said city engineer, or the chief or head of such department.

The said board shall have the power to employ such superintendents, managers, chiefs, or heads of the several departments, and of the works and properties under its control, and upon such salaries as may be authorized by the city council, except that until the present terms of office of the street inspector, the clerk of the city market, the superintendent of the cemeteries, the sealer of weights and measures, the gauger and inspector of liquors, the keeper of the almshouse and the health officer shall expire, the said officers shall perform their respective duties as now provided or as may hereafter be provided by law, but shall report to and be subject to the said board of control.

The term of office of any person so employed as superintendent, manager, chief or head of any such department shall be two years from the

date of his appointment and qualification and until his successor is duly chosen and qualified, unless sooner removed by the city council, or by the said board, and any such person so employed shall be first nominated to the city council and approved by the said council in joint session: provided, that in the nomination of the chief or head of the health department, the said board shall, ten days before making such nomination, request the Norfolk medical society, or other medical association in said city composed of the greatest number of licensed physicians resident therein, to nominate a fit person for that office, and upon such nomination being made by the said medical society, the said board may nominate the person so nominated, or some other fit person, to the said city council for approval, or in default of the said medical society making such nomination, the said board shall make such nomination.

No member of the board of control and no person appointed by the said board, whether subject to the approval of the city council or otherwise, shall be a member of the electoral board of said city, or judge of election in said city.

The said board shall have the power at any time to suspend any superintendent, manager, chief or head of any department, or of any works or property under its control for a period not exceeding thirty days; and after a hearing upon charges in writing, the said board may remove any such employee or officer, subject to the approval of the city council, and in case of any such suspension or removal, the said board shall have the power to fill the vacancy caused by such suspension or removal, until a successor is duly elected and qualified, and during the suspension or the removal by the board subject to the approval of the city council, of any such employee or officer he shall not have the right to exercise the duties of his employment or office, or to receive any emolument therefrom.

The said board shall have power also to employ such clerk and assistants to the board and upon such salaries as may be authorized by the city council, to hold their positions at the pleasure of the said board.

All persons so employed, as hereinbefore provided, shall give such bond with security, as may be required by the city council.

The superintendents, managers, chiefs, and heads of the various departments, works, or properties under the management and control of the said board, except as hereinafter provided, shall each employ, with the approval of the said board, such assistants in their several departments as may be designated by the city council, and upon such salaries as may be authorized by the said council, and the superintendent, manager, chief or head of any of the said departments, works or properties, except as hereinafter provided, shall employ and discharge all other subordinate employees in his department or authorized to be employed by him, subject only to such rules and regulations as may be prescribed by the city council, or by the said board not in conflict with the ordinances of the said council.

In all cases in the election or appointment of such employees preference shall be given to persons who are residents and taxpayers of the city.

The board shall have the power at any time to suspend any such assistant for a period not exceeding sixty days, and after hearing, upon charges in writing, may remove any such assistant, and during such suspension.

such assistant shall not exercise the duties of his employment or office nor receive any emolument therefrom. Any vacancy arising from any such removal shall be filled as hereinbefore provided for the appointment of such assistant.

The said board of control shall make all local assessments for any public works for which such assessments may be made by law under such rules and regulations as may be prescribed by the city council by ordinance or otherwise, but any person affected by any such local assessment may appeal from the decision of the said board, as to any such assessment against him, to the corporation court of the city.

The said board shall have the right to call upon any administrative officer of the said city, except the mayor, to attend its meetings and give such information or services to said board as may be required of him.

All appointments by the board of control or other boards or departments shall be based upon merit, fitness, and competency alone, and political or religious opinions shall not be considered in making appointments. In order to carry this into effect, the council shall, after September first, nineteen hundred and six, elect a commission of five citizens, who shall serve without compensation, to hold office for three years and until their successors are elected and shall qualify. In electing the said commission by the council the cumulative system of voting shall prevail. It shall be the duty of the said commission to ascertain the fitness and competency of applicants for all positions, except the heads, superintendents, or chiefs of departments under the city government, under such rules and regulations as shall be determined by the city council by ordinance, and to furnish at all times lists of fit persons, for various positions, as designated by such ordinances, and from such lists all appointments shall be made.

It shall be the duty of the council to provide for the proper maintenance of the commission.

§55. The board of control, upon its organization in September, nineteen hundred and six, and in September every two years thereafter, shall nominate to the city council, one chief of the police, and upon his confirmation by the said council, in joint session, shall by warrant, appoint such person so nominated and confirmed as the chief of the police for the term of two years from the date of his appointment, unless sooner removed, and until his successor is duly appointed and qualified.

The said chief of the police, upon his appointment and qualification, shall select, to be approved by the said board, such captains and sergeants of the police as may be authorized by the city council, and upon such approval the said board shall by warrant appoint such captains and sergeants for the term of two years from the date of their respective appointments, unless sooner removed, and until their successors, respectively, are duly appointed and qualified.

One of the captains of the police, in the order of his appointment, or according to his rank, shall act as chief of the police, in case of the sickness, absence from the city, or other disability, of the chief of the police, and perform all the duties incident to his office, but without additional compensation.

The said chief of the police shall select as many policemen, patrolmen, or other members of the police force as may be authorized by the city

council, to be approved by the said board, and upon such approval the said board shall, by warrant, appoint each of such policemen, patrolmen, or other members of the said police force, to serve during the term of his good behavior, or until the said board, at its pleasure, shall remove him, but in every case of removal the said board shall enter upon its records the reasons therefor.

The selection and appointment of the policemen, patrolmen, or other members of the police force, shall be under such rules and regulations for examination as to fitness and ability as may be prescribed by the city council.

Each member of the police force, both rank and file, shall have issued to him a warrant of appointment, signed by at least two members of the board of control, and attested by the city clerk, with the seal of the city, in which the date of his appointment shall be stated, and such warrant shall be his commission, and the said board of control shall keep a record of all its proceedings, relating to the nomination or appointment of all of its said officers, policemen or other members of said force.

Each member of the said force shall, before entering upon duties of his office, take and subscribe an oath that he will faithfully, without fear or favor, perform the duties of his office, and such oath shall be filed with the city clerk; and in addition the several officers of the said force shall give such bond, with security, as may be required by the city council.

The members of the police force shall be chosen and appointed from among the electors of the said city, and shall receive such salaries or compensation as shall be determined by the city council.

As soon as the appointments of the police force are made in the manner hereinbefore provided, then all the members of the said force in service previous thereto shall immediately vacate their respective offices or positions, unless reappointed as herein provided.

The said board of control may make the rules and regulations for the government of the officers and other members of the police force, and may prescribe their respective duties, subject only to the ordinances of the city council, and to the laws of the State and of the United States; may prescribe and regulate the time and manner of drill or exercise, and impose reasonable fines for the breach of any rule or regulation, the said fines to be paid into the city treasury; but this power to impose fines is in no way to be construed as abridging the power of suspension or removal.

The chief of the police shall have the immediate direction and control of the said force, subject, however, at all times, to the rules, regulations, and orders of the said board of control, and through him the said board of control shall promulgate all orders, rules, and regulations for the government of the whole force.

The said board of control shall have the power at any time to suspend, for a period not exceeding thirty days, the chief of the police, for misconduct in office, or neglect of duty, upon charges in writing, a copy of which shall be furnished the said chief, and after a hearing upon such charges may remove him from office, subject only to the approval of the city council, in joint session. During such suspension one of the captains of the police force, to be designated by the said board of control,

shall perform the duties of the office of chief, and until his successor is duly elected and qualified, and upon the removal of the said chief from office, the said board shall nominate his successor, in the manner hereinbefore provided, for election by the city council.

The mayor of the city shall also have the power to suspend the said chief of the police, and remove him from office, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal, but no such removal shall be made without reasonable notice to the said chief and an opportunity afforded him to be heard in person or by counsel, and to present testimony in his defense. From such order of suspension or removal the said chief shall have the right of appeal to the said board of control, and upon such appeal the case shall be heard *de novo*, and the decision of the said board shall be final.

The said board of control, the mayor, or the chief of the police, or the officer acting as chief, shall have the power at any time to suspend, for a period not exceeding thirty days, any officer or member of the police force, other than the chief of the police, for misconduct in office or neglect of duty, upon charges, in writing, a copy of which shall be furnished the person so suspended, and after a hearing upon such charges by the said board, in case of suspension by the board or the chief of the police, or officer acting as chief, and by the mayor, in case of suspension by him, the said board of control or mayor, as the case may be, may remove the person so suspended from office: provided, that any officer or member of the police force, other than the chief, so suspended or removed by the mayor, shall have the right of appeal to the said board of control, and upon such appeal the case shall be heard *de novo*, and the decision of the said board shall be final.

No officer or member of the police force so suspended, as hereinbefore provided, shall exercise the duties of his office during his suspension or receive the emoluments thereof.

In times of exigency the said board of control, or any one of them, if the other members of the said board should be absent from the city, or unable from any cause to act, may, by and with the consent or upon the application of the mayor of the city, in writing, appoint temporarily, without previous authority from the city council, a suitable number of additional policemen for such time as shall appear necessary, not however to extend beyond the time of the next meeting of the city council.

§56. The officers and privates constituting the police force of the city of Norfolk shall be, and they are hereby, invested with all the power and authority which now belong to the office of constable at common law in taking cognizance of and in enforcing the criminal laws of the State and the ordinances and regulations of the said city, and it shall be the duty of each and every one of such policemen to use his best endeavors to prevent the commission within the said city of offenses against the laws of said State and against the ordinances and regulations of said city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of the said city, and to secure the inhabitants thereof from violence and the property therein from injury.

Such policemen shall have no power or authority in civil matters, but he shall in all other cases execute such warrant or summons as may be placed in his hands by any justice of the peace for said city, and shall make due return thereof.

Such policeman shall not receive any fee or other compensation out of the treasury of the State or the said city for any services rendered under the provisions of this act other than the salary paid him by the city; nor shall he receive a fee as a witness in any case arising under the criminal laws of the said State, or under the ordinances or regulations of the said city. If, however, it shall become necessary or expedient for him to travel beyond the limits of the said city in his capacity as a policeman or as a witness, he shall be entitled to his actual expenses, to be allowed and paid as is now provided by law for other expenses in criminal cases.

Nothing contained herein shall be construed as prohibiting a policeman from claiming and receiving any reward which may be offered for the arrest and detention of any offender against the criminal laws of this or any other State or nation.

§57. The said board of control shall prescribe the uniforms and badges for the members of the police force, and direct the manner in which the members of the said force shall be armed. And any person, other than a member of the said force who shall wear such uniform or badge, as may be prescribed as aforesaid, may be subjected to such fine or imprisonment, or both, as may be prescribed by the city council by ordinance.

§58. The board of control, upon its organization in September, nineteen hundred and six, and in September every two years thereafter, shall nominate to the city council one chief of the fire department, and upon his confirmation by the said council, in joint session, shall by warrant appoint such person so nominated and confirmed as the chief of the fire department for the term of two years from the date of his appointment, unless sooner removed, and until his successor is duly appointed and qualified.

The said chief of the fire department, upon his appointment and qualification, shall select, to be approved by the said board, such assistants as may be authorized by the city council, and upon such approval the said board shall by warrant appoint such assistants for the term of two years from the date of their respective appointments, unless sooner removed, and until their successors, respectively, are duly appointed and qualified.

One of the assistants, in the order of his appointment, or according to his rank, shall act as chief of the fire department in case of sickness, absence from the city, or other disability of the chief of the fire department, and perform all the duties incident to his office, but without additional compensation.

The said chief of the fire department shall select as many engineers, or other members of the fire department, as may be authorized by the city council, to be approved by the said board, and upon such approval the said board shall appoint each of such engineers, or other members of his said fire department, to serve during the term of his good behavior, or until the said board, at its pleasure, shall remove him, but in every case of removal the said board shall enter upon its records the reasons therefor.

The selection and appointment of the engineers, or other members of the fire department, shall be under such rules and regulations for examination as to fitness and ability as may be prescribed by the city council.

The chief of the fire department and his assistants shall each have issued to him a warrant of appointment signed by at least two members of the board of control and attested by the city clerk, with the seal of the said city, in which the date of his appointment shall be stated, and such warrant shall be his commission, and the said board of control shall keep a record of all of its proceedings relating to the nomination or appointment of all of the said officers, engineers, or other members of the said department.

The members of the fire department shall be chosen and appointed from among the electors of the said city, and shall receive such salaries or compensation as shall be determined by the city council.

As soon as the appointments of the members of the fire department are made by the first board of control in the manner hereinbefore provided, then all the members of the said department in service previous thereto shall immediately vacate their respective offices or positions, unless re-appointed as herein provided.

The said board of control may make the rules and regulations for the government of the officers and other members of the fire department, and may prescribe their respective duties, subject only to the ordinances of the city council and to the laws of the State and of the United States; may prescribe the uniform, dress or badge of authority to be worn by them, respectively; may prescribe and regulate the time and manner of drill or exercise, and impose reasonable fines for the breach of any rule or regulation, the said fines to be paid into the city treasury, but this power to impose fines is in no way to be construed as abridging the power of suspension or removal.

The chief of the fire department shall have the immediate direction and control of the said department, subject, however, at all times to the rules, regulations, and orders of the said board of control, and through him the said board of control shall promulgate all orders, rules, and regulations for the government of the whole department.

The said board of control shall have the power at any time to suspend for a period not exceeding thirty days, the chief of the fire department, for misconduct in office or neglect of duty, upon charges in writing, a copy of which shall be furnished the said chief, and after a hearing upon such charges may remove him from office, subject only to the approval of the city council, in joint session. During such suspension one of the assistants of the said fire department, to be designated by the said board of control, shall perform the duties of the office of chief, and until his successor is duly elected and qualified, and upon the removal of the said chief from office, the said board shall nominate his successor, in the manner hereinbefore provided, for election by the city council.

The mayor of the city shall also have the power to suspend the said chief of the fire department and remove him from office, for misconduct in office or neglect of duty, to be specified in the order of suspension or

removal, but no such removal shall be made without reasonable notice to the said chief, and an opportunity afforded him to be heard in person or by counsel, and to present testimony in his defense. From such order of suspension or removal the said chief shall have the right of appeal to the said board of control, and upon such appeal the case shall be heard *de novo*, and the decision of the said board shall be final.

The said board of control, the mayor, or the chief of the fire department, or the officer acting as chief, shall have the power at any time to suspend, for a period not exceeding thirty days, any officer or member of the fire department, other than the chief thereof, for misconduct in office or neglect of duty, upon charges in writing, a copy of which shall be furnished the person so suspended, and after a hearing upon such charges by the said board, in case of suspension by the board, or the chief of the fire department, or the officer acting as chief, and by the mayor, in case of suspension by him, the said board of control, or mayor, as the case may be, may remove the person so suspended from office: provided, that the officer or member of the fire department, other than the chief, so suspended or removed by the mayor, shall have the right of appeal to the said board of control, and upon such appeal the case shall be heard *de novo*, and the decision of the said board shall be final.

No officer or member of the fire department so suspended, as hereinbefore provided, shall exercise the duties of his office or employment during his suspension, or receive the emoluments thereof.

The chief of the fire department and his assistants shall be authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire.

§59. Whenever any building in said city shall be on fire it shall be the duty of, and lawful for, the chief of the fire department to order and direct such building or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down or destroyed; and no action shall be maintained against said chief or any person acting under his authority or against the said city therefor. But any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the city council to assess and pay the damages he has sustained. At the expiration of the three months, if any such application shall have been made, in writing, the city council shall either pay the said claimant such sum as shall be agreed upon by it and the said claimant, for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of damages in the same manner as is now provided or may hereafter be provided for the taking of land for public purposes.

§60. The commissioners appointed to ascertain and assess the damages incurred by the said claimant, by the pulling down or destruction of such building, or any part thereof, by the direction of the said officer of the city, as provided above, shall take into account the probability of the same having been destroyed, or injured by fire, if it had not been so pulled down or destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made and finally confirmed in the said proceedings, for appraising and assessing the



damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of all damages of the said claimant.

§61. The city council shall have the authority to establish a board of commercial and industrial interests of the city of Norfolk, to consist of two members from the board of aldermen and three members from the common council, to be appointed by their respective presidents, and three citizens, who shall be appointed by the mayor. The term of the said board shall be as provided by ordinance.

The said board shall be authorized to examine and take into consideration all matters of internal improvements, in existence, or which may be projected from time to time; to look after the commercial, industrial, and manufacturing interests of the city; to watch over and take care of its connections, means of transportation, and communication, whether by land or water, by telegraph, telephone, or otherwise, with the rest of the country, and all matters appertaining to rates of freight, traffic, or travel into and out of the city of Norfolk, and to take cognizance of and make such recommendations for the general advancement and prosperity of the city as may be deemed proper and for the best interests of the said city.

The said board shall make such reports and recommendations to the city council as will in its opinion best subserve the different interests of the city of Norfolk, and shall serve without compensation.

The said board shall organize and hold its meetings as may be provided by ordinance.

In case of any vacancy in the said board from any cause, it shall be filled by the appointing power by which the appointment was made.

The city council is authorized to make, from time to time such appropriations for the work of said board as it may deem expedient, and to provide and enforce such ordinances in connection therewith as it may think proper.

§62. The city council shall have the authority to establish a commission of five, to serve without compensation, to be composed of citizens who may or may not be members of the city council, to be known as the "commission on beautifying the city."

The said commission shall be authorized to look into and consider all matters pertaining to the beautifying of the city, such as the appearance and arrangement of streets, parks, buildings, waterways, and trees. It shall also be its duty to confer with the county authorities and with the owners of suburban land as to the proper laying out of their property to conform with such general plans as may be devised by said commission and approved by the council.

The said commission shall, from time to time, make to the board of control or city council such reports and recommendations as it may deem best.

The council shall have authority, upon the request of said commission, to employ an expert to assist the said commission in its work.

The said commission shall organize and hold its meetings as may be provided for by ordinance.

In case of any vacancy in said commission from any cause, it shall be filled by the appointing power by which the appointment was made.

The city council is authorized to make, from time to time, such appropriations for the work of said commission as it may deem expedient, and to make such ordinances in connection therewith as it may deem proper.

§63. The school trustees of the city of Norfolk shall be a body corporate under the name and style of "the school board of the city of Norfolk," and shall have all the powers, perform all the duties, and be subject to all the limitations now provided or which may hereafter be provided by law in regard to school boards of cities, except that all real estate with the buildings and improvements thereon, purchased with money appropriated by the city council, or received from any other source, for the purpose of public education, shall be the property of the said city of Norfolk, unless such money so received from any other source be received on other conditions.

Each school trustee shall, at the time of his election, be a resident of the school district from which he may be elected, and if any trustee shall, during the term of his office, remove from the district for which he was elected, such removal shall vacate his office. Each school trustee shall, before entering upon the duties of his office, take and subscribe before some officer authorized to administer oaths, the oaths prescribed for State officers, and file said oaths in the office of the city clerk. No person ineligible under the laws of the State as school trustee shall be elected to that office.

The school board of the city of Norfolk shall have power, subject to the approval of the city council, to prescribe the number and boundaries of the school districts in the said city, and when the school districts are so prescribed and approved by the city council, the resolution approving the number and boundaries of the said districts, shall have the force and effect of an ordinance of the said city. The number and boundaries of districts shall be reported to the superintendent of public instruction and recorded in his office, and shall also be recorded in the office of the clerk of the corporation court of the said city. Until the said city shall have been divided into school districts, as hereinbefore provided, each ward of the said city shall constitute a school district.

The city council, in joint session, shall at its first meeting in July, nineteen hundred and six, or as soon thereafter as practicable, elect three school trustees for each school district in the said city, one to serve for the term of one year, one for the term of two years, and the third for the term of three years, from the first of August, nineteen hundred and six, and annually thereafter the said city council, in joint session, shall, at its first meeting in July, or as soon thereafter as practicable, elect one trustee for each school district in said city, to serve for the term of three years from the first day of August in said year, the said trustees so elected to serve until their respective successors are duly elected and qualified.

In case the school districts shall be changed, by redistricting, the school trustees then in office shall continue in office until the first day of August following the next election by the city council for school trustees, and the said council shall have the power to elect the trustees to meet the require-

ments caused by said redistricting, in the same manner and for the same terms as hereinbefore first provided, and all the trustees in office on the said first day of August following such election shall vacate their offices as soon as their successors are duly elected and qualified. Any vacancy occurring in the board of school trustees shall be filled by the city council, in joint session, for the unexpired term. The several school trustees in office when this charter goes into effect, shall continue in office until the first day of August, nineteen hundred and six, when their term shall expire.

§64. All acts in conflict with this act are hereby repealed, but all acts and parts of acts in any way concerning the said corporation and the rights of the people thereof, or any of them, not inconsistent with this act, shall be in as full force and effect to all intents and purposes as if this act had never been passed.

§65. Owing to the fact that a new council under this charter is to be elected on the second Tuesday in June, nineteen hundred and six, this act is hereby declared to be an emergency act within the provision of section fifty-three of the Constitution, and shall be in force from its passage.

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CHAP. 171.—An ACT to authorize the school board of Lee magisterial district, of the county of Accomac, to borrow money for the purpose of erecting and furnishing school-houses in said district, and to provide for the payment of the amount which may be borrowed.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of Lee magisterial district, of the county of Accomac, may borrow not exceeding five thousand dollars (\$5,000.00), for the purpose of erecting and furnishing school houses in said district.

2. That said board shall issue its bond or bonds for the money borrowed, payable at such time or times as may be agreed upon, not exceeding fifteen years after their issue, bearing interest not exceeding the legal rate, and payable annually or semi-annually, as may be agreed upon.

Such bond or bonds shall be signed by the chairman and attested by the clerk of the said board, and countersigned by the chairman of the board of supervisors of said county, sealed with the county seal, and attested by the county clerk.

3. From the school levy for said district there shall be paid, as it matures, the interest on the bond or bonds hereby authorized, and there shall be set aside annually, as a sinking fund, such sum as will provide for the payment of the principal when it matures. Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said board may, with the approval of the division superintendent of schools for said county select.

4. The said board shall annually report to the board of supervisors of said county the amount of the debt outstanding and the amount and condition of the sinking fund.

5. An emergency existing, in this that the arrangements for the erection of the school houses should be promptly made in order to have them ready for the next session, this act shall be in force from its passage.

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CHAP. 172.—An ACT to enable the city of Norfolk to furnish water to the Jamestown exposition company at Sewell's Point, in Norfolk county, Virginia, by the extension of the city water mains or by leasing or purchasing a part or the whole of the property of the Norfolk county water company.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That for the purpose of furnishing an adequate supply of water to Jamestown exposition company, at Sewell's Point, Norfolk county, Virginia, the city of Norfolk may extend its water mains from said city to said grounds of said Jamestown exposition company in Norfolk county, Virginia; and in the event the acquisition of the right of way to effect said purpose cannot be agreed upon between said city of Norfolk and such owners of property whose holdings may interfere in such undertaking, the said city shall have all the rights of eminent domain conferred by the statutes of the State to accomplish its ends.

And the said county of Norfolk, through its properly constituted authorities, may grant to said city, without compensation, the right to use so much of any public road or highway as may be necessary to carry into effect the object intended to be accomplished by this act, imposing only on said city such reasonable restrictions as may be necessary to restore the highway or road so used, to such condition for travel as existed before it was disturbed by said city in laying its pipes or mains.

And the said city of Norfolk, if in its judgment the same shall be deemed expedient or necessary in order to furnish a supply of water to the Jamestown exposition company, is hereby authorized to lease or purchase from the Norfolk county water company all or part of its property and plant upon such terms as may be agreed upon by the said city of Norfolk and the said Norfolk county water company, and in the event of so leasing or purchasing the city of Norfolk shall have all the rights, privileges and franchises of the said Norfolk county water company.

And the said city of Norfolk is hereby authorized to make such terms with the said Jamestown exposition company for the furnishing of said water supply for said exposition as the said city of Norfolk may deem proper.

2. Because of the nearness of the exposition period an emergency exists, and this act shall be in force from its passage.

CHAP. 173.—An ACT to permit the soldiers and sailors of the United States government, and of all foreign governments, and the militia of the States, to bear arms and manœuvre in Virginia during the period of the Jamestown exposition.

Approved March 14, 1906.

Whereas in pursuance of an act of congress, approved March third, nineteen hundred and five, the president of the United States has issued his proclamation inviting all the nations of the earth to send representatives of their naval and military organizations to participate in celebrating, in Virginia waters and on Virginia soil during the year nineteen hundred and seven, the three hundredth anniversary of the nations' birth; and

Whereas the said act of congress also makes provision for the participation in said celebration of the soldiers and sailors of the United States and the militia of the States; therefore, -

1. Be it enacted by the general assembly of Virginia, That this Commonwealth gives its hearty endorsement and approval of the said action of the federal government.

2. That all the sailors and soldiers participating in the said celebration, in pursuance of the said act of congress, shall be permitted to bear arms and manœuvre on the soil and in the waters of this Commonwealth, under such rules and regulations not inconsistent with the laws of the United States as the governor of this Commonwealth shall prescribe.

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CHAP. 174.—An ACT to allow compensation to the "Virginia home and industrial school for girls" for caring for girls committed to its custody and control under the commitment of a court, judge, or justice.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the "Virginia home and industrial school for girls," a corporation created and organized under the laws of this Commonwealth, having for its purposes the care and training of incorrigible or vicious white girls, who are without proper restraint and training, between the ages of eight and sixteen years, shall, when its home has been established and the commitment to its custody and control, with its consent, by any court, judge, or justice, under the laws of this State, of any white girl, be entitled, upon the certificate of the judge of the circuit court of the county wherein such home shall be located, to the same compensation for caring for them which the jailors of the Commonwealth are entitled to for the same number of persons.

CHAP. 175.—An ACT to amend and re-enact sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of an act of the general assembly of Virginia, approved March 2, 1898, entitled "an act to authorize the board of supervisors of Floyd county to let to contract the public roads of that county and levy a tax to keep the same in repair," as amended and re-enacted by an act approved March 14, 1904.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen of an act of the general assembly of Virginia, approved March second, eighteen hundred and ninety-eight, entitled an act to authorize the board of supervisors of Floyd county to let to contract the public roads of that county and lay a tax to keep the same in repair, as amended and re-enacted by an act approved March fourteenth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§1. The circuit court of said county, or the judge thereof in vacation, shall, prior to the first day of April, nineteen hundred and six, appoint one inspector of roads and bridges for each magisterial district, which inspectors shall reside in the respective districts for which they are appointed, and it shall be their duty to inspect and supervise the roads and bridges within their respective districts, and report the condition thereof as often as requested by the board of supervisors. The said inspectors shall hold their office for the term of two years from the first day of July, after their appointment, unless sooner removed by said court, or the judge thereof in vacation, for neglect of duty or malfeasance in office.

The said inspectors shall each receive the sum of one dollar and twenty-five cents per day for their services hereunder, not to exceed twenty-five dollars for any one year, to be paid them at such times in each year and in such amounts by warrants drawn by the board of supervisors on the treasurer of the county as said board may determine. Any vacancy in the office of inspector shall be filled for the unexpired term by the court aforesaid, or the judge thereof in vacation. Said inspectors, before entering upon the duties of their office, shall severally take and subscribe an oath to faithfully perform the duties of their office of inspector, which oath shall be filed with the clerk of the circuit court of said county. Each inspector shall, as soon as practicable after his appointment and qualification, but before the first day of May, nineteen hundred and six, carefully examine all public roads and bridges within his district, take copy of road precinct marked by the clerk under this act, and make such alterations as he thinks best.

He shall designate each section by number, and as follows:

Road section number ———, for ——— magisterial district; extending from ——— to ———.

Said inspectors shall attend and file with the board of supervisors at their call and annual meeting ———, nineteen hundred and six, and annually thereafter, if required, a list of the various sections into which

they have divided the roads of their respective districts. For failure on the part of any inspector to perform the duties imposed by this section he shall forfeit five dollars of his salary, which shall be withheld by the board of supervisors and applied to the road fund of the district for which said inspector is appointed.

2. The said board of supervisors shall annually levy along with the county levy, a road tax upon the property, real and personal, assessed for taxation in the several magisterial districts of their county, which shall be applied, as hereinafter provided, to the working, keeping in order, and repairing the public roads and bridges in the magisterial district in which such tax is levied. Such tax shall be not less than twenty nor more than forty cents upon every one hundred dollars in value of such property, and the same shall be collected and accounted for by the treasurer of said county, and paid out only on the warrant of the board of supervisors. The fund collected from each magisterial district shall be kept separate by said treasurer, and a different rate of tax may be prescribed for different districts in the same county. And the amount collected in each district shall be expended therein.

Such bridges as are now established, or may be hereafter established, across the boundary line between magisterial districts, shall be built, repaired, and maintained by the said two magisterial districts jointly in equal proportion.

3. The board of supervisors shall advertise for bids to let to contract by the year or for a shorter term, to the lowest suitable bidder, any section or sections of road and bridges therein in any magisterial district, they reserving the right to reject any or all of them. Such contract shall be in writing, signed by the parties, and shall set out the character of the work required to be done in addition to what is specified and required by section nine hundred and eighty-two of the Code of Virginia. Each contractor shall be required to execute, contemporaneously with the signing of said contract, a bond to the county, with good personal security, approved by the board, in the penalty of at least double the amount of his bid, for the faithful performance of his contract, and a recovery may be had for any breach of said contract in the name of the county in the circuit court, by a motion, after ten days' notice to the contractor and his securities, and in case of recovery on said motion, the same costs shall be taxed in said judgment as if the motion was in favor of the Commonwealth, and any such judgment may be deducted by said board of supervisors from the amount due said contractor on his contract. If nothing be due him, however, or if such recovery exceed the amount due him, then such amount or excess shall go to the road fund of the district in which the road or bridge contracted to be worked, built, or repaired, is located. The attorney for the Commonwealth shall institute and prosecute such motion. All such contracts and bond shall be drawn by or under the supervision of the attorney for the Commonwealth, and for each contract and bond so drawn by him he shall be entitled a compensation of fifty cents, to be paid by the contractor. All contracts and bonds drawn and executed hereunder shall be filed with the clerk of the board of supervisors. There shall, however, be reserved by the board of super-

visors a sufficient number of sections in each district to satisfy the provisions of section twenty of this act.

4. The contractors shall be paid for work under their contracts semi-annually, or oftener, as the board of supervisors may determine, which payments shall be made by the warrant of said board upon the county treasurer, payable out of the road fund of the district wherein the road or bridge specified in the contract is located, but payment shall be withheld by said board if at the time fixed for such payment said contractor's road is not in order or in accordance with his contract until the inspector of roads for such district shall report it to be in the condition required by the contract: provided, that in no case shall more than three-fifths of the money due under the contract be paid to any contractor until the road, bridge, or work has been inspected, accepted, and approved by the inspector of roads of the district in which such road or bridge is located, or said work is done.

5. The inspector of roads of each magisterial district shall, as soon as he has laid off the roads in his district into sections, appoint, by and with the approval of the supervisor of his district, one overseer for each section of road so laid off, who shall be a discreet and reliable man and a resident of the district for which he is appointed. Such overseers shall qualify by taking the usual oath of office for the faithful performance of their duties before a justice or other officer authorized by law to administer the same, and each shall continue in office until his successor is duly appointed and qualified, unless sooner removed by said inspector and supervisor, in which case they shall proceed at once to fill the vacancy. The term of office of said overseer shall commence from his appointment, and be for two years from appointment. It shall be the duty of each inspector of roads to file along with his report, required by section five of this act, a list of such overseers showing the section to which each is assigned.

6. The board of supervisors shall, through the inspector of roads, and at such times as they may fix and prescribe, inform the overseers of those sections which have not been or will not be let to contract, directing and requiring them to work and put in order their respective sections and designating the number of hands each shall employ, and fixing a limit, if they think proper, to the number of days said section shall be worked, being governed in such by the amount of road fund for said district. All work ordered under this section shall be done between the first of April and the first of November in each year, but if any obstruction or injury occur on any road or bridge between the first of November and the first of April it shall be removed or repaired as soon as practicable and in accordance with the provisions of this act. In having roads worked or in letting the same to contract, the board of supervisors will observe the following order and preference: First, all main thoroughfares; second, the most important lateral roads; and third, all other roads.

7. It shall be the duty of the overseer of each section to be present and give personal attention at any and all times when his particular section is directed or ordered to be worked, and to supervise and list all



hands who shall report to him under the provisions of section twenty of this act, and be responsible for such tools as may be furnished by the board of supervisors or inspectors of his district. Each overseer shall be required to keep the section of road under his charge clear and smooth, free from loose rocks, from gates unlawfully kept up, and other unlawful obstructions of the required width, well drained; and in addition, conform to the requirements, as near as may be, of section nine hundred and eighty-two of the Code of Virginia; when the grade on any road exceeds five degrees, it shall be put on a new location, or cut down when practicable, to this degree, as shall be deemed most expedient by the board of supervisors, who shall determine the same. Each overseer shall be paid seventy-five cents for each day of ten hours actually employed in working on his section; and for his failure to comply with the requirements of this act, or to keep his section of road (unless the same be let to contract), in as good condition as possible, with the means at his command and the time allotted him for work by the board of supervisors. after he shall have been ordered to work the same, he shall be fined not less than five nor more than twenty dollars, which shall be applied to keeping his section of road in good order.

It shall be the duty of the inspector of roads or any citizen to report any neglect, failure or refusal on the part of any overseer to the attorney for the Commonwealth, who shall, if he be satisfied that there has been such neglect, failure, or refusal, proceed against such overseer, as provided for in this act.

8. Each overseer shall provide himself with a book, in which he shall keep separately the names of each person hired by him under the provisions of section six of this act, the number each works and the amounts: he shall also keep in said book the names, number of days worked, and amounts allowed each person who shall report to him for work under the provisions of section twenty of this act. He shall as often as required, deliver such book to the board of supervisors or the inspector of his district for their inspection, or any reputable citizen of said district, in his presence. An itemized account of all labor done by himself and those hired by him, and the amount therefor shall be made off and qualified to by each overseer and submitted to the inspector of roads for his district, and upon his approval said accounts shall be presented to the board of supervisors, and, if found to be correct, said board shall draw their warrants therefor on the county treasurer, payable out of the road fund of the district in which the work was done, and to the respective parties entitled thereto.

Each of said overseers shall also make off and file with the board of supervisors a list of all to whom he has delivered the itemized statement required by section twenty of this act.

9. Each person who shall be hired to work on any road under the provisions of this act shall be paid for such work the sum of seventy-five cents per day of ten hours each; there shall be allowed and paid for each wagon and team, with driver, the sum of two dollars per day of ten hours; and for such other things, not herein provided for that may be needed, plows, scrapers, and soforth, one dollar per day for each horse

and driver. All accounts for labor or other things hereunder shall be made off, sworn to and paid as provided for by section thirteen of this act. Each person hired and performing labor under this act shall provide and bring with him such tools as may be necessary for him to have or required by the overseer.

10. When it becomes necessary, in the opinion of the supervisors that the overseer of any section should have a sledge-hammer, drill or powder and fuse for blasting, such supervisor shall give an order therefor or procure the same, and the actual cost thereof shall be paid by the board by warrant drawn on the road fund of such district.

11. The board of supervisors shall keep a book known as the road book, in which shall be kept an account of the road tax levied in each magisterial district, and the amount collected thereof and how apportioned among the various sections of roads and a list of all tools furnished each overseer, who, upon a new overseer being appointed, shall account to the board of supervisors or the inspector of his district for the tools furnished him. All accounts to be allowed under the provisions of this act, all reports and settlements to be made or warrants to be drawn shall be passed upon, audited, examined, and made before said board of supervisors semi-annually, or oftener, as said board may determine. But said board of supervisors shall have no authority to expend in any one year an amount larger than the road tax collected for their respective districts in that year, and for so doing they shall be liable on their official bonds for the amount so overdrawn.

No new roads shall be located or new bridges established or alteration made in an established road only as now fixed by general law. Where any great or unforeseen damages or obstructions occur to or on any road or bridge, the overseer of the section in which the same occurs, shall apply to the supervisor and inspector of his district for authority to purchase such materials or hire such labor as may be necessary to repair such damage or remove such obstructions. The said supervisor and inspector of his district, if they deem it proper and expedient, may authorize such repairs or the removal of such obstructions, and designate the said overseer the number of hands to hire or the materials to get. Such overseer shall return to the board of supervisors an account, on oath, of the expenditures so made, and, if the board be satisfied of the correctness of such account, shall allow the same.

12. Overseers may take from any convenient place, so much wood, stone, gravel, or earth as may be necessary to be used in constructing or repairing their respective sections or any bridge or causeway therein; and may, for the purpose of draining the road, cause a ditch to be cut through any land or lands adjoining the same: provided, such wood and other articles to not be taken from, and such ditches be not cut through, any lot in a town, yard, or garden without the consent of the owner.

And if the owner or tenant of any such lands from which such wood, stone, gravel, or earth may be taken, think himself injured thereby, a justice, upon application to him, shall issue a warrant to three freeholders, requiring them to view said lands and ascertain what is a just and reasonable compensation to such owner or tenant for the damage to

him on account of such removal. The said freeholders, after being sworn, shall accordingly ascertain such compensation and report to the board of supervisors, whose decision thereon shall be final, and who shall draw a warrant on the road fund of the district wherein such lands are situated for such amount as they shall allow.

The commissioners appointed by the magistrate shall have one dollar per day for their services, and the justice shall have a fee of fifty cents for issuing the warrant.

13. No member of the board of supervisors or inspectors shall be directly or indirectly interested in any contract made under this act, and any participation therein by either shall render the contract null and void; and for a violation of this section the provisions of section one thousand eight hundred and twenty-two of the Code of Virginia, as amended by the acts of the general assembly, eighteen hundred and ninety-three and eighteen hundred and ninety-four, page five hundred and fifty-four, shall apply.

14. All the present road officials of Floyd county shall proceed to settle their accounts as required by law, and account to the board of supervisors or inspectors of roads for the various districts for all road tools or other county property in their custody, and deliver the same to the said board of supervisors, take their receipts therefor. If such settlements and accounts for tools or other property be not made and done by said road official within reasonable time after this act goes into effect, it shall be the duty of the attorney for the Commonwealth to proceed against them severally by rule issued from the circuit court of said county.

15. Persons appointed by the circuit court as inspectors of roads and bridges, and overseers of sections appointed by said inspectors and members of the board of supervisors hereunder, shall be compelled to act unless released by the court for cause shown in term, or vacation, by judge. Any member of the board of supervisors, or any other person appointed under the provisions of this act, failing to discharge any duty imposed by said act when appointed, without being relieved by said court, shall be proceeded against in said court by a rule or summons in the nature of an information. Such rule or summons shall be issued by said court on the motion of any citizen of said county, made through the attorney for the Commonwealth, citing the persons named therein to appear before the said court on the first day of the next term thereafter to answer the charge recited therein. Such rule or summons shall be served at least five days before the return day thereof, and the same shall be tried by the said court, unless a jury shall be demanded by the defendant, and if found guilty, he shall, where not otherwise provided, be fined not exceeding ten dollars. The cost of such proceeding shall be taxed as they are in misdemeanors. The board of supervisors shall each be paid out of the county levy ten dollars per annum; the clerk of the board shall be paid the sum of twenty-five dollars per annum out of county levy.

16. Any road money now in the treasury and all that collected on levy now made for road purposes, when collected, shall be applied to working roads under this act. The general road laws of the State, except

so far as the same is in conflict with this act, shall be in force in the county of Floyd. Previous special road laws in force in said county, and all acts inconsistent herewith, are hereby repealed.

17. The condition of the road in Floyd county creates an emergency, and this act shall be in force from its passage.

CHAP. 176.—An ACT to incorporate the town of Tangier, in Accomac county.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the following described territory in Accomac county be, and it is incorporated as a town, to be known as Tangier: Beginning at the marsh land north of the premises of Josiah Laird, and running in an easterly direction to the creek; thence in a southeasterly direction to the extreme east end of Chambers' wharf, continuing in the same direction to the extreme east end of Robert J. Williams' property; thence in a southerly direction to "Jobe's cove"; thence in a southwesterly direction to the marsh land south of the property of William A. Shores, senior; thence in a westerly direction to the marsh land west of Solomon S. Park's property; thence in a northerly direction and along the west side of "Main Ridge," adjoining the marsh land of said "Main Ridge," to the point of beginning.

2. The said town and its officers shall have all the powers and privileges and be subject to all the restrictions provided by the general laws of this Commonwealth for the government of towns and the powers of officers of towns.

3. Until an election can be held William E. Parks shall be mayor and Cary Crockett, Joseph J. Daley, Peter S. Crockett, of M., Edward L. Crockett, of E., Joshua T. Pruitt, and Travis A. Crockett, senior, shall be councilmen. The council shall appoint a recorder and a sergeant.

CHAP. 177.—An ACT relating to demurrers to evidence.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That in all suits or motions hereafter, when the evidence is concluded before the court and jury, the party tendering the demurrer to evidence shall state in writing specifically the grounds of demurrer relied on, and the demuree shall not be forced to join in the said demurrer until the specific grounds upon which the demurrant relies are stated in writing; nor shall any grounds of demurrer not thus specifically stated be considered. After joinder in demurrer no other evidence shall be admitted and a non-suit shall not be allowed.

CHAP. 178.—An ACT to authorize and empower the board of supervisors of Northumberland county to establish a public ferry across the Little Wicomico river, in said county.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Northumberland county be, and they are hereby, authorized and empowered to establish a public ferry across the Little Wicomico river at some convenient point in said county.

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CHAP. 179.—An ACT to provide for establishing, working, and keeping in repair the roads and building and repairing the bridges in the county of Prince George.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the act approved March twelfth, nineteen hundred and four, entitled an act to amend and re-enact an act entitled an act to amend the road law of Prince George county, approved March third, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§1. The board of supervisors of Prince George county shall have original jurisdiction to open, establish, alter, change, discontinue, and build all roads and bridges in the county of Prince George.

§2. Every petition to open, establish, alter, or change any public road, must first be presented to the supervisor of the district in which the road is, or is proposed to be located, who shall endorse thereon his approval or disapproval of the same and his reasons therefor, which petition and the supervisor's report, shall be laid before the board of supervisors at its next meeting, and the board shall have authority, in its discretion, to appoint five discreet freeholders of the county, any three of whom may act, to view and examine such roads or routes and report upon the expediency of changing or altering the location of any road or of opening or establishing any new road. The said viewers shall submit estimates of the cost of changing or altering such road or of opening or establishing such new road, including the building of any bridge or bridges that may be necessary, and they may recommend a new or different route or a modification of the route or change proposed, and submit estimates therefor.

§3. At least five days' notice of the time and place, when and where, the said viewers will meet, and the purpose of such meeting, shall be given by posting notices at three or more suitable places in the vicinity of the proposed new road or of the road which it is proposed to change or alter. The viewers before they proceed to discharge their duties shall be severally sworn to perform their duties impartially and to the best of their judgment. The supervisor of the district in which the new road is proposed to be established or the road altered or changed, shall have authority to administer said oaths to the said viewers.

If the viewers decide that the public convenience requires the establishment of such new road or the alteration or change of such old road, they shall lay out the same, having respect for the shortest distance and the best location, and shall assess the damage done to land through which the road passes, taking into consideration the advantage to be derived from the road passing through the land, and the said viewers shall make report in writing to the board of supervisors at its next meeting, giving the names of the proprietors and tenants of the lands on which it is proposed to establish or alter such road, which of the proprietors and tenants require compensation, and what will be a just compensation to each of the proprietors and tenants requiring compensation, but in no case shall any yard, garden, or orchard, or any part thereof, be taken without the consent of the owner.

In all cases where further notice and the service of process or summons have been waived in writing, by each of the said proprietors and tenants, or in person or by attorney before the board, the board, in its discretion, may at the same meeting to which said report is returned, determine the question of establishing or altering such road, and in its discretion, hear testimony and fix upon a just compensation to the proprietors and tenants for the land proposed to be taken and the damage accruing therefrom. But in the event that further notice and the service of process or summons have not been waived as above provided, unless the opinion of the board be against establishing or altering such road, the board shall require its clerk to issue process to summons the proprietors and tenants of the lands on which it is proposed to establish or alter such road to the next meeting of the board to show cause against establishing or altering such road, if any they can, but such process shall not be necessary as to any proprietors or tenants who have in the manner hereinbefore provided waived or acknowledged service of such process. Upon the return of said process, duly executed as to all of said proprietors and tenants who have not waived or acknowledged service of the same, defense may be made to the said proceedings by any party, and the board of supervisors may, in its discretion, hear testimony touching the expediency of establishing or altering the road. Upon such hearing, unless the board be of opinion that the road ought not to be established or altered, in which case it shall so order, it shall proceed to fix upon a just compensation to the proprietors and tenants for the land proposed to be taken and the damage accruing therefrom. But if any tenant or proprietor desire it, or the board see cause for so doing, it may, in its discretion, appoint five disinterested freeholders of the county as commissioners (any three of whom may act), for the purpose of ascertaining a just compensation for the land to be used for such road, after which the same proceedings shall be had as provided for the commissioners for a like purpose under the general road law of the State.

§4. The board of supervisors of Prince George county shall have general supervision, control, and charge of working and keeping in repair the roads and buildings and repairing the bridges of said county, and for this purpose may purchase such teams, tools, implements, and machinery as in its discretion it may deem proper or necessary.

It shall have authority to direct the county surveyor of said county to define the boundary of any road therein, and to alter the grade of any existing road, and to perform such other service as in the opinion of the board may be necessary to carry out the provisions of this act, for which service the said surveyor shall receive reasonable compensation from the said board, payable out of the road funds. Each supervisor of the several magisterial districts of the said county shall give personal supervision to and shall have immediate charge and control of the roads and bridges in their respective districts. It shall be the duty of such supervisor to see that the roads in his district are kept cleared, smoothed of rocks and other obstructions, of necessary width, and that the beds of the roads are raised in the middle and sloped gradually each way, to the sides, well drained, and secure from the falling of dead timber thereon, and otherwise in good order; that a suitable sign-board is placed and kept at every important fork or crossing, on which shall be stated in plain letters the most noted place to which each road leads; and that suitable bridges be constructed and maintained in a safe, substantial condition over such streams and ravines as may need them; and that across any stream or ravine where it may be necessary or practicable a sufficient bridge, bench or log shall be made for the accommodation of foot passengers, which shall always be kept in a safe condition; and where the beds of said roads are encroached upon such supervisor shall notify the persons trespassing by written notice to remove the obstruction, and if the same be not done in ten days, he shall cause said obstruction to be removed and may recover the expense, with cost, before any justice of the peace of said county.

§5. The supervisor of each magisterial district of the said county, in the discharge of his duties, is hereby authorized and empowered to let the working, improvement, and repairs of any road or roads, or the building or repair of any bridge or bridges in his district, to contract; may lay off the roads of his district into sections and appoint or employ road overseers for such sections; may employ or hire laborers, hands, teams, implements, and machinery for the purpose of working and repairing the roads and building and repairing the bridges in his district, and appoint or employ foremen, who shall have charge of the same, and may adopt such other methods, rules, specifications, and regulations as he may deem necessary, proper, or expedient for working and repairing the roads and building and repairing the bridges in his district, except that such supervisor shall not purchase for the county, or for his district, any teams, implements, or machinery without first obtaining the consent of the board of supervisors.

Whenever work is paid for by the day, not less than eight hours shall constitute a day's work, and the pay per diem of such overseer or foreman shall be regulated in accordance with the number of hands, laborers, teams, implements, or machinery actually under the charge of such overseer or foreman and worked or used by him.

§6. Each overseer or foreman appointed or employed under the provisions of this act shall make out an itemized account of all work done by him or under his charge or direction, showing the teams, tools, imple-

ments, and machinery used, and the number and names of the laborers employed, the dates on which the work was done, the number of hours employed each day, and the amount charged by each laborer for each day or part of a day, shall make oath to the correctness thereof, before the supervisor of the district in which the work was done, who is authorized to administer oath for this particular purpose, or before any officer authorized by law to administer oaths, and present the same to the supervisor of said district.

It shall be the duty of the supervisor to whom such account is presented to inspect and examine the roads and bridges for the working, repairing, or building of which the account is presented, and make report thereof to the board, returning with such report as vouchers the said account filed with him by the overseers and foreman as aforesaid, in which report the said supervisor shall recommend the allowance or disallowance of all such claims or accounts. If such supervisor is satisfied that the claim or account should be allowed, he shall state in his said report that he has made the inspection and examination hereinbefore provided, the amount to which each overseer or foreman is entitled, that each claim is just and a reasonable charge for the work done, and shall recommend the payment of the same. It shall be the duty of the board of supervisors to examine said report, and if the same is approved, it shall order payment to each of the overseers or foreman of the several amounts to which each is entitled: provided, there is money in the county treasury to the credit fund out of which such account should be paid.

§7. It shall be the duty of each supervisor to go over the roads in his district at least twice a year, inspect said roads, and ascertain whether or not said roads are properly worked and kept in proper condition and repair, and whether or not the bridges in his district are in good repair and in a safe condition, for which service the said supervisor shall receive the sum of two dollars per day: provided, however, he shall not be paid for more than twenty days in any one year: provided, further, that after the first day of January, nineteen hundred and eight, he may be paid for not more than thirty days in any one year.

The clerk of the said board shall receive such compensation as the board may prescribe not to exceed the sum of one hundred dollars in any one year.

§8. Each member of the board of supervisors for a failure to perform any duty required of him under this act, shall be guilty of a misdemeanor, and shall pay a fine of not less than ten or more than one hundred dollars, said fine to be applied to the public roads in the district in which the failure to perform the duty occurs.

§9. The said supervisor, or any person appointed or employed to work on the roads or build or repair the bridges as herein provided, may take from any convenient lands so much wood, stone, gravel, or earth as may be necessary to be used in constructing, improving, or repairing such road or any bridge or causeway thereon, and may for the purpose of draining said road, cause a ditch to be cut through any lands adjoining the same: provided, such wood and other articles be not taken from, and such ditch be not cut through, any lot in a town, yard or garden without the consent of the owner.



For any material taken or ditch cut compensation shall be allowed only as provided by the general road law of the State.

§10. Wherever the cost of erecting, building, or repairing any bridge in the said county amounts to the sum of twenty dollars or more, the board of supervisors is authorized in its discretion to order that the same be paid out of the county levy.

§11. The board of supervisors of the county shall, for the purposes of this act, annually levy, along with the county levy, a road tax, upon the property, real and personal, assessed for taxation in the several magisterial districts of the county. Such tax shall conform to the general statute law governing such cases.

§12. The board of supervisors, in addition to the road tax herein provided, shall have the authority to appropriate to the road fund provided by this act any balance that may remain at the end of any fiscal year to the credit of the county fund or levy, or so much of said balance as said board may deem wise or expedient to appropriate; and in addition to the road tax herein provided, the said board may, in its discretion, appropriate to the road fund the amount derived from taxes upon railroad, telegraph, and telephone companies, or so much thereof as the board may in its discretion determine to appropriate.

§13. Every owner or occupier of a mill over whose dam, pier-head, aqueduct, or waste-cut, a road passes, shall keep such dam in good order, at least twelve feet wide at the top, and also keep in good order a bridge and abutment leading thereto, of like width, over the pier-head, aqueduct, floodgates, or waste-cut, through or around the dam. If he wilfully or negligently fail to comply with this section, he shall be guilty of a misdemeanor, and shall be fined five dollars for every failure of twenty-four hours, but the fine shall not exceed in any case fifty dollars.

Said fines to be applied to the road fund in the district in which the mill is situated.

§14. The general road law of this State may be, or may become in force, at the time this act goes into effect, except so far as the same is in conflict with the provisions of this act, shall be in full force in the county of Prince George, and all special laws for the said county heretofore enacted are hereby repealed.

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CHAP. 180.—An ACT to authorize and empower the board of supervisors of the county of Isle of Wight, in their discretion, to contribute and expend annually, out of the general county levy of the said county, a sum of money to aid in the maintenance and efficiency of company H, seventy-first regiment of infantry, Virginia volunteers.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Isle of Wight be, and they are hereby, empowered, in their discretion, out of the general county levy of said county, to apply and expend annually a sum not exceeding one hundred and fifty dollars in each year towards the payment of the rent of the

armory of company H, seventy-first regiment of infantry, Virginia volunteers, or otherwise towards the assistance and maintenance of the said company.

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CHAP. 181.—An ACT to define what is pure apple cider within the meaning of section 141 of chapter 20 of acts of 1904, approved February 19, 1904.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That pure apple cider mentioned in section one hundred and forty-one of chapter twenty of acts of nineteen hundred and four, and other ciders, shall be construed to mean the pure juice of the fruit used without admixture whatever, except preservatives, and not to contain more than seven and a half per centum of alcohol.

2. Any person violating the provisions of this act by selling as cider any liquid or mixture which does not conform to the first section of this act shall be deemed guilty of misdemeanor, and punished as provided by section one hundred and forty-one of chapter twenty, acts of nineteen hundred and four, for selling wine, ardent spirits, malt liquors, or any mixture of any of them, without license.

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CHAP. 182.—An ACT to amend and re-enact section 2108 of chapter 96 of the Code of Virginia, in relation to unlawful fishing.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and eight of chapter ninety-six of the Code of Virginia, be amended and re-enacted so as to read as follows:

§2108. Unlawful fishing.—It shall be unlawful,

First. To kill or capture mountain trout by any process whatsoever in any of the waters of this State, at any time except that the board of supervisors of any county may permit angling with hook and line, under such conditions and at such times and places as they may designate; or

Second. When to catch river or pond bass.—To kill or capture any river bass (commonly called black bass, or black perch), or pond bass (commonly called southern chub), between the fifteenth day of May and the first day of July of each year, or to shoot or spear the same at any time; or

Third. When to buy, sell, or use same.—To buy, sell, or make use of mountain trout, black bass, or pond bass within said prohibited periods, respectively; or

Fourth. Prohibition against use of substances injurious to fish.—To use fish berries, lime, or giant powder, dynamite, or any other explosive substance for the destruction of fish; or knowingly or wilfully to cast any noxious substance or matter into any water course of this State, above tide water, by which fish therein may be destroyed; or to place or allow to

pass into the waters of the James or Appomattox rivers, or any of their tributaries, any lime, gas-tar, or refuse of gas works injurious to fish; or

Fifth. Prohibition against injury to fish boxes or eggs of fish.—To injure any box, trough, or other contrivance, dam or pond of the fish commissioner and his agents, or of any private individual engaged in the artificial breeding of fish or injure or molest any fish eggs or young fish therein. The provisions of this section shall not apply to any of the waters flowing from this State into Tennessee and Kentucky, nor to such part of the streams flowing into North Carolina as are east of the Blue Ridge until the governor of Virginia shall by proclamation announce that North Carolina has by law prohibited the taking of fish in such streams by means of traps, seines, or nets.

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CHAP. 183.—An ACT to assign offices to the several departments and officers of the State government in the several public buildings owned by the State.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the several departments and officers of the State government hereinafter mentioned shall be, and are hereby, assigned offices in the public buildings owned by the State in the following manner—that is to say:

First. To the governor and his secretaries there shall be assigned the rooms they now occupy in the capitol building in the southeastern end of said building opening on the rotunda gallery floor.

Second. To the secretary of the Commonwealth there shall be assigned the rooms now occupied by him in the southwestern end of the capitol on the same floor as the rooms of the governor.

Third. To the corporation commission there shall be assigned the rooms in the northern end of the capitol on the same floor with the governor and the secretary of the Commonwealth.

Fourth. To the department of education and public instruction there shall be assigned the rooms to the right of the main entrance to the capitol building in the southeastern end of the building on the rotunda floor, and said department shall have the right to occupy the large room to the left of said main entrance, or any one of the committee rooms, for holding its meetings, either regular or called.

Fifth. The large room to the left of the main entrance of the capitol building in the southwestern end of said building shall be assigned, in addition to its use by the department of education as aforesaid, to the corporation commission for use when occasion requires as a court-room, and may be used by the general assembly for hearings before joint committees, for caucuses, and other purposes; and when not so used, the governor may, in his discretion, permit it to be used for other purposes.

Sixth. To the department of agriculture there shall be assigned the large hall with its galleries in the north end of the capitol, which was formerly used by the house of delegates, and the three offices immediately below said hall in the northeastern end of the basement, which have been connected with said hall by a spiral stairway.

Seventh. The public printer shall have assigned to him the two rooms in the northwestern end of the basement.

Eighth. There shall be assigned to the register of the land office the suite of rooms always heretofore occupied by him in the southern and western end of the basement.

Ninth. To the commissioner of labor there shall be assigned the two rooms at the southeastern end of the basement.

Tenth. The two rooms in the basement immediately north of the rooms assigned to the commissioner of labor in the southern and eastern end of the basement are hereby assigned to the library board of the Virginia State library for the use of the travelling library department during the vacation of the general assembly.

Eleventh. The rooms under the senate wing of the capitol shall be set apart as committee rooms for the assembly.

Twelfth. The two rooms in the northern part of the basement to the house wing shall be set apart as committee rooms, except that the northeastern room shall be set apart as the house engrossing room.

Thirteenth. The southern half of the basement to the house wing shall be assigned to the clerk of the house of delegates.

Fourteenth. The clerk of the senate shall have for his use the rooms now occupied by him on the same floor with the senate, in the senate wing.

Fifteenth. To the supreme court of appeals there shall be assigned, in addition to the rooms now occupied by the court in the library building, the rooms in that building immediately across the hall-way from the rooms now used by the court for the law library, being the rooms now occupied by the department of agriculture.

Sixteenth. The library board of the Virginia State library shall have assigned to it for the use of the Virginia State library the small room on the third floor of the library building, now occupied as a storage room by the law library.

2. Be it further enacted by the general assembly of Virginia, That the several officers and departments herein named shall use and occupy the several rooms herein assigned them as offices as soon as the said rooms can be conveniently occupied after the passage of this act, except that until the first day of January, nineteen hundred and eight, or until an extra session of the general assembly, if sooner called, the commissioner of insurance may occupy rooms numbers one and three, and the commissioner of labor rooms numbers two and four, and the register of the land office rooms five and six, in the senate wing of the basement. The three officers last named and each of them shall vacate the said rooms before the next meeting of the general assembly.

CHAP. 184.—An ACT to amend and re-enact section 11 of an act entitled “an act to provide for the extension of the corporate limits of cities and towns,” approved March 10, 1904, so as to allow district and county officers residing in the territory annexed to any city or town to remove to any other part of such city or town during their term of office without vacating their office.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That section eleven of the act approved March tenth, nineteen hundred and four, entitled “an act to provide for the extension of the corporate limits of cities and towns,” be amended and re-enacted so as to read as follows:

§11. In case where territory is so annexed that any county or district officer shall reside in such annexed territory, then, in that event, such officer shall continue in office until the end of the term for which he was elected or appointed, as if he were a resident of the territory not annexed, and the removal of such officer, during the term for which he was elected or appointed, from any such territory heretofore or hereafter annexed to any other part of the city or town to which said territory is annexed, shall not vacate his office, but residence in any part of the city or town to which said territory is annexed, during the said term of office for which he was elected or appointed, shall be deemed, during said term of office, to be residence in the county or district of which the territory so annexed was a part.

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CHAP. 185.—An ACT to amend and re-enact section 3811 of the Code of Virginia.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That section thirty-eight hundred and eleven of the Code of Virginia be amended and re-enacted so as to read as follows:

§3811. If any person knowingly sell any food diseased, corrupted, or unwholesome, whether meat or drink, without making the same known to the buyer, he shall be confined in jail not exceeding six months and fined not exceeding one hundred dollars. The meat of any animal which has developed the disease of actinomycosis or lumpy jaw shall be deemed diseased, corrupted, and unwholesome and within the provisions of this section.

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CHAP. 186.—An ACT to legalize the adoption of adult persons.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That any inhabitant of this State not married or a husband and wife jointly may petition the circuit court of their county, or the corporation or circuit court of their city, for leave to adopt an adult person not their child by birth;

but such petition shall set forth the reasons for such adoption, and shall be accompanied by a statement in writing signed by the person proposed to be adopted signifying his or her consent to such adoption.

2. If the court, upon consideration of the petition, shall be satisfied as to the fitness and propriety of such adoption, it shall make an order setting forth the facts and declaring that from that time such adult person, to all legal intents or purposes, is the son or daughter and heir at law of the person or persons filing such petition, as if such adopted son or daughter had been born to such adopted parents in lawful wedlock; and, if the petition shall so pray, the court may in such order provide for the change of the name of such adopted son or daughter; but on the decease of such adopted parent and the subsequent decease of such adopted son or daughter without issue the property of such adopted parent still undisposed of shall descend to his or her next of kin and not to the next of kin of such adopted son or daughter.

No property which by any will, deed, or other writing would go to the child or heir of the person so adopting an adult shall go to such adopted adult, unless the absolute fee simple first vested in the person so adopting the adult.

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CHAP. 187.—An ACT to provide for the purchase of a silver service to be presented to the battleship Virginia.

Approved March 14, 1906.

Whereas a new battleship has been constructed by the United States government, to be soon placed in commission, and which has been named in honor of this State, Virginia, by the president and secretary of the navy, in compliance with the appeal made to them by the society of the colonial dames of America in Virginia; and

Whereas said society has presented said battleship with certain silver table pieces in acknowledgment of said compliance with its request, and has further memorialized the general assembly to recognize the honor intended the State, in so naming said battleship, by presenting it with a silver service; and

Whereas the general assembly deems such gift not only the usual but also a fitting recognition of what has been so done in honor of the State; therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of five thousand dollars be, and is hereby, appropriated, to be applied to the purchase of a suitable silver service to be presented to the United States battleship Virginia.

2. That a commission, consisting of the governor, the attorney-general, the adjutant-general, the president of the senate, and the speaker of the house of delegates, be, and is hereby, created, with power and direction to select and purchase a suitable silver service, not exceeding in cost the said sum appropriated, to have a proper device and inscription engraved thereon, and to present said service to said battleship in the name and on behalf of the State of Virginia.

3. That a committee on presentation of said service in conjunction with said commission be, and is hereby, appointed, to consist of the heads of all State departments not hereinbefore named, the State librarian, three members of the senate, to be named by the president thereof, and three members of the house of delegates, to be named by the speaker thereof.

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CHAP. 188.—An ACT to create drainage districts of adjoining or adjacent owners of low lands, and to give jurisdiction to the circuit court in which said lands lie to enforce its provisions.

Approved March 14, 1906.

1. Be it enacted, That whenever a number of adjacent landowners exceeding five are so situated that their lands can be properly drained by a common drain or canal, they are authorized to file a bill in the circuit court of the county in which said lands are situated, stating facts which make it proper to have their lands, and others named, drained by a common drain or canal.

2. Five or more of the said parties shall be made plaintiffs and all others claimed to be interested shall be defendants; a copy of said bill shall be served upon the defendants; upon the hearing of the bill the said court shall have jurisdiction to create a drainage district of the lands of the plaintiffs and defendants, or such of them as would be benefited by said drain or canal.

3. The said court shall, by its commissioner in chancery, ascertain the proper width and depth of said drain or canal to properly drain the lands in said drainage districts, the probable cost thereof, the lands of the parties that would be benefited by said drain or canal, the acreage and assessed value of said lands, the proportion in which each tract of land ought to contribute to the expense of cutting of said canal; also the value of the land to be taken for said canal, and the damage to the owners of said land to the residue thereof, if any, which value and damage shall be added to the other expenses of cutting said canal.

4. Upon the confirmation of the report of the said commissioner in chancery, the said court is authorized to appoint a special commissioner, or commissioners, to collect the assessments reported, and to contract for and supervise the cutting of the said canal.

5. The assessments reported and confirmed shall be liens on the lands of the respective owners, and if not paid to the special commissioner, or commissioners, in a time to be specified by the court, may be enforced by the said court as a judgment lien is enforced.

6. The landowners assessed for the cutting of the said canal, their heirs, devisees, and alicenees, shall be entitled to the privilege of draining their lands into the said canal, and subject to all the liabilities of the original owners, and no other parties shall be entitled to the privilege of draining into the said canal, except petition filed in the said court, and upon terms ordered by it.

7. When the said canal shall be completed and the rights of all the parties before the court determined in reference thereto, the court shall dispose of any funds in the hands of the said special commissioner, or commissioners, as it may seem equitable, and remove the cause from the docket.

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CHAP. 189.—An ACT to amend and re-enact section 1671 of the Code of Virginia in relation to disposition of proceedings before commission, fees, etc., and to repeal an act to provide for the payment of justices of the peace, witnesses, and physicians in certain cases, approved March 5, 1888.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That section sixteen hundred and seventy-one of the Code of Virginia be amended and re-enacted so as to read as follows:

§1671. Disposition and proceedings before commissions, fees, etcetera. The interrogatories to the witnesses and the answers thereto shall be in writing; and, together with a written statement by the commission of any damages done to them as to the facts of insanity, shall be properly transmitted by the justice of the peace with his order; and a record thereof shall be kept by the clerk of the county or corporation court. The two physicians shall receive a fee of two dollars and fifty cents each for their services. The justice of the peace shall receive a fee of one dollar for his services, and all witnesses regularly summoned before such commission of lunacy shall receive for their attendance from the same the sum of fifty cents for each day's attendance. All expenses incurred in committing any party to any State hospital, including the fees aforesaid, shall be borne by the county or corporation from which such patient is sent.

2. That the act approved March five, eighteen hundred and eighty-eight, entitled an act to provide for the payment of justices of the peace, witnesses, and physicians in certain cases be, and the same is hereby, repealed.

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CHAP. 190.—An ACT to authorize the district school boards of Tuckahoe school district and Fairfield school district, in Henrico county, to expend or invest the sums received by them respectively from the city of Richmond under proceedings for the extension of the limits of said city of Richmond.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the district school boards of Tuckahoe school district and of Fairfield school district, in Henrico county, be, and they are hereby, authorized to expend as now provided by law or to invest, in whole or in part, as to them may seem best, the sums received by them, respectively, from the city of Richmond under the proceedings for the extension of the limits of said city of Richmond, and to collect the interest on said investment and use the same for the benefit of said school districts, respectively, in such manner as to the said school district boards may seem advisable.



CHAP. 191.—An ACT to amend and re-enact an act of assembly, approved March 12, 1904, relating to official receipts for fines.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the act of assembly in reference to official receipts for fines, approved March twelfth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§714a. Official receipts for fines.—(1) Every officer collecting a fine shall give an official receipt or receipts therefor to the person paying the same, and when the fine is collected by execution the clerk of the court, on receiving the same from the officer who made the collection, shall give such receipt to said officer. Any officer failing to give such receipt shall be liable to a fine of double the amount of the fine imposed, one-half of which shall go to the informer.

(2) Forms for such official receipts shall be prepared by the auditor of public accounts who shall distribute them among the clerks of the circuit courts of the counties and corporation courts of the cities of this State for their own use, and for distribution among the justices of their respective counties and corporations. The forms shall be in books of such sizes as may be convenient, and each book and form shall be numbered and properly authenticated by the auditor.

Each receipt form shall be for a designated sum, and for each form there shall be a stub for the same number and for the same sum on which the date and name of the person to whom the detached receipt was given shall be entered by the officer issuing the receipt. The delivery of the receipts shall be attested on the stub by the signature of the person to whom it was given, and the signature of any such person who is unable to write shall be witnessed by some person who shall not be an officer.

The receipt forms and stubs above provided for shall be in substance as follows:

*Receipt.*

No 1. Date ———, 19——.

§10. This is to certify that ——— has paid me ten dollars, being a fine imposed according to law.

\_\_\_\_\_  
Name of officer.

Countersigned by

\_\_\_\_\_  
Auditor of public accounts.

*Stub.*

No. 1. Date ———, 19——.

§10. Receipt for ten dollars.

Fine imposed upon ———.

I hereby acknowledge having received a receipt for the above fine of ten dollars.

Witness ———.

(3) On the first day of the first regular meeting in each year and on the first day of the regular meeting in each year, six months thereafter, of the board of supervisors, the clerk of the circuit court of each county shall produce the receipt forms in his possession before the said board, with a statement, which statement shall be verified and corrected if necessary by the board of supervisors, after which it shall be countersigned by the chairman of the board, who shall then transmit it to the auditor of public accounts. The clerk of the corporation court of each city shall proceed in like manner before the city councils for their respective corporations, who shall examine, correct, and countersign the statement of the clerk and transmit it to the auditor of public accounts. The said statement, in addition to showing the receipt forms in the possession of the clerk, shall show what forms have been distributed by him among the justices of his county or corporation since the last accounting. Any receipt not properly accounted for shall be reported by the auditor of public accounts to the Commonwealth's attorney for the county or corporation of the delinquent clerk.

(4) The several justices of the peace of each county shall each appear before the board of supervisors of the county on the first day of the first regular meeting in each year and on the first day of the regular meeting in each year, six months thereafter, of the board of supervisors, and justices of the corporation before the council, at its like meetings, shall each produce before the said board or council the receipt forms in his possession and the stubs of the receipts issued by him since the last accounting, and if it appears that the amount represented by any receipt issued by a justice, has not been accounted for, the said board or council shall report the same to the Commonwealth's attorney for the county or corporation.

(5) Any clerk or justice failing, without good cause, to attend at the said meetings, as provided herein, shall be liable to a fine of twenty dollars, recoverable by motion of the Commonwealth's attorney before the circuit or corporation court of the county or corporation in which such failure occurred, or in which the delinquent officer resides. The chairman of the board of supervisors or the clerk of the city council, as the case may be, shall notify the Commonwealth's attorney of the county or city of such failure of the clerk or magistrate to attend.

(6) If any officer misuse or misappropriate a fine collected by him, he shall be deemed guilty of embezzlement thereof, and shall be punished as for the embezzlement of public funds. Failure to produce or account for any receipt form received by him shall be prima facie evidence of his embezzlement of the amount represented thereby.

**CHAP. 192.—An ACT ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within the city of Fredericksburg, in this State, and authorizing the acquisition thereof.**

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the consent of the State of Virginia is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the city of Fredericksburg, in this State, required for sites for custom-houses, courthouses, postoffices, arsenals, or other public buildings whatever, or for any other purpose of the government.

That exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this State; but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands.

The jurisdiction ceded shall not vest until the United States shall have acquired the title to said lands by purchase, condemnation, or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all State, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this State, or by the said city of Fredericksburg.

If the secretary of the treasury of the United States, or if the commissioners appointed by the secretary of the treasury, and having in charge the matter of the acquisition of the land provided for in this bill, cannot agree with those entitled to the land to be acquired for said site, or sites, and any rights of way thereto, upon the terms of the purchase, the said secretary of the treasury of the United States, or the said commissioners so appointed by him, shall have the right to apply to the corporation court of the said city, which shall appoint five disinterested freeholders, and any three of whom may act, for the purpose of ascertaining a just compensation for said land and rights of way as aforesaid; the appointment of the said commissioners, the notice of the application for their appointment, and the subsequent proceedings shall conform to the provisions of the Code of Virginia in relation to condemnation as nearly as may be.

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**CHAP. 193.—An ACT to amend and re-enact an act of the general assembly of Virginia, entitled "an act incorporating the town of Burkeville, in the county of Nottoway, approved March 17, 1877," and providing for the continuance in office of present officers.**

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act incorporating the town of Burkeville, in the county of Nottoway," approved March seventeenth, eighteen hundred and seventy-seven, be amended and re-enacted so as to read as follows:

That the town of Burkeville, in the county of Nottoway, and State of Virginia, as the same is now laid off into lots, streets, and alleys, and as may hereafter be laid off into lots, streets, and alleys, shall be, and the same is hereby, made a town corporate, by the name of Burkeville, and shall have and exercise all the rights, powers, and privileges, and shall be subject to all the duties, liabilities, and restrictions now imposed by law for the government of towns of less than five thousand inhabitants, or by any laws which may hereafter be enacted for the government of said town.

2. The area thus incorporated by this charter, shall be one square mile, lying equally on either side of Agnew street, two sides of the square parallel with said street, and the intersection of Agnew street with the main track of the Norfolk and western railway, shall be its geometrical centre.

3. All the officers of the town of Burkeville shall continue to discharge their respective duties until the first election for said officers after the year nineteen hundred and six.

4. The corporation shall have all the powers, rights, and privileges conferred upon towns, and shall exercise all the authority, and share in all the benefits of the general laws of this State in reference to towns, just as if the same had been repeated in this charter.

CHAP. 194.—An ACT to authorize the cities and towns of this Commonwealth to acquire, by purchase, gift, or condemnation, property adjoining parks, monuments, or other public property belonging to such cities or towns, or property in the vicinity of such parks, monuments, or other public property, which is used and maintained in such a manner as to impair the beauty, usefulness, efficiency, or convenience of said parks, monuments, or public property, and to dispose of the same, with proper limitations as to the future use thereof.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That any city or town of this Commonwealth may acquire by purchase, gift, or condemnation property adjoining its parks, or plats on which its monuments are located, or other property used for public purposes or in the vicinity of such parks, plats or property, which is used and maintained in such a manner as to impair the beauty, usefulness or efficiency of such parks, plats, or public property, and may likewise acquire property adjacent to any street, the topography of which, from its proximity thereto, impairs the convenient use of such street, or renders impracticable, without extraordinary expense, the improvement of the same, and the city or town so acquiring any such property may subsequently dispose of the property so acquired, making limitations as to the uses thereof, which will protect the beauty, usefulness, efficiency, or convenience of such parks, plats, or property.

2. This act shall be in force on and after ninety days from the adjournment of the general assembly of Virginia.

CHAP. 195.—An ACT to authorize the council of the town of Chatham, in Pittsylvania county, to issue bonds and borrow money for the purpose of increasing the water supply, constructing sidewalks, and retiring in whole or in part the present bonded indebtedness of said town.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That for the purpose of increasing the water supply, constructing additional sidewalks, and paying off in whole or in part the present bonded indebtedness of the town of Chatham, in Pittsylvania county, the council of said town is hereby empowered and authorized to borrow seventeen thousand and five hundred dollars, or so much thereof as may not exceed the constitutional limits, and to issue bonds for that amount signed by the mayor, and attested by the clerk of said council, payable not exceeding thirty years from date, redeemable after ten years, at the pleasure of the council of said town, and bearing interest at the rate of five per centum per annum, payable semi-annually at such place as may be designated by said council: provided, said bonds shall not be sold for less than their par value, nor issue at all until the proposed expenditure shall have been approved by a majority of the qualified voters of said town voting at a special election called by said council, and conducted according to the laws applicable to special elections.

2. An emergency existing by reason of the necessity for said improvements, and meeting said indebtedness, this act shall take effect from its passage.

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CHAP. 196.—An ACT to amend and re-enact section 3059 of the Code, as amended by an act approved December 26, 1903, entitled "an act to repeal sections 3063, 3065, 3066, and 3067 of the Code of Virginia, and to amend and re-enact sections 3056, 3057, 3058, 3059, 3060, and 3062 of the Code as heretofore amended," and as further amended by an act approved February 23, 1904, and as further amended by an act approved March 15, 1904, in so far as the same applies to the sixteenth judicial circuit.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That section three thousand and fifty-nine of the Code, as amended by an act approved December twenty-six, nineteen hundred and three, entitled "an act to repeal sections three thousand and sixty-three, three thousand and sixty-five, three thousand and sixty-six, and three thousand and sixty-seven, of the Code of Virginia, and to amend and re-enact sections three thousand and fifty-six, three thousand and fifty-seven, three thousand and fifty-eight, three thousand and fifty-nine, three thousand and sixty, and three thousand and sixty-two of the Code, as heretofore amended," and as further amended by an act approved February twenty-third, nineteen hundred and four, and as further amended by an act approved March fifteenth, nineteen hundred and four, in so far as that section relates to the sixteenth judicial circuit, be, and the same is hereby, amended and re-enacted so as to read as follows:

§3059. Commencement and number of their terms.—Unless otherwise herein provided, there shall be held in each of the cities of the Commonwealth two terms of the circuit court of such city in each year, and in each of the counties there shall be held bi-monthly terms of the circuit court of such county, four of which terms, in those counties in which more than four terms are provided, to be designated by the judge thereof, shall be known as quarterly terms, at which all civil cases for which juries may be required shall be tried. At any of the said terms all criminal and chancery causes shall be tried. But the judge of the court may, in any county in which more than five terms are provided, by an order to be entered of the common law order book of said court, omit one of the terms thereof during each year, unless the public business shall require that all of the said terms be held for the proper transaction of business.

Until otherwise provided by law, the time for holding the said terms in said cities and counties shall be as follows: provided, that any term of a circuit court for any of the counties or cities of any circuit may be continued by the judge thereof by adjournment until after the beginning of a term of the court for any other county or city of such circuit, but no term of the court shall be so continued beyond the day fixed by law for the beginning of the next regular term of the court for the county or city of the circuit, whose terms is so extended:

*First Circuit.*

3059a. Norfolk.—The first Monday in January, February, March, April, May, June, July, October, November, and December.

## NOTICE!

Attention is called to the fact that chapter 196, fixing the time for the commencement and number of the terms of the Circuit Courts of the counties and cities of the Commonwealth, has been declared unconstitutional by the Supreme Court of Appeals, except in so far as it applies to the Sixteenth Judicial Circuit. For the correct time for the commencement of the terms of the various circuit courts of the counties and cities of the Commonwealth, and the order of the Supreme Court relating thereto, see pages 580-587.

ceuder.

Brunswick.—Third Tuesday in February, April, June, and October.

*Fourth Circuit.*

3059d. Amelia.—The fourth Thursday in March, June, September, and December.

Chesterfield.—The second Monday in February, May, August, and November.

Dinwiddie.—The third Monday in March, June, September, and December.

Nottoway.—The first Thursday in March, June, September, and December.

Powhatan.—The first Monday in February, May, August, and November.

City of Petersburg.—The first Monday in April and October.

*Fifth Circuit.*

3059e. Appomattox.—First day of February, April, June, October, and December.

Charlotte.—First Monday in January, March, May, July, September, and November.

Cumberland.—Tuesday after fourth Monday in January, April, June, September, and November.

Prince Edward.—Tuesday after the third Monday in January, March, May, September, and November.

*Sixth Circuit.*

3059f. Lunenburg.—Second Monday in April, June, October, and December.

Mecklenburg.—Third Monday in February, April, June, August, October, and December.

Halifax.—Fourth Monday in January, March, May, July, September, and November.

Campbell.—Second Monday in January, March, May, July, September, and November.

City of Lynchburg.—Third Monday in January, March, May, September, and November.

*Seventh Circuit.*

3059g. Pittsylvania.—Third Monday in January, March, May, July, September, and November.

Franklin.—March tenth and first Monday in May, September, and December.

Henry.—Second Monday in January, April, June, October.

Patrick.—Tuesday after the fourth Monday in January, March, June, and October.

City of Danville.—January fifth and April twenty-ninth.

*Eighth Circuit.*

3059h. Albemarle.—First Monday in February, April, June, August, October, and December.

Madison.—First Monday in January, March, May, July, September, and November.

Greene.—Third Monday in January, March, May, July, September, and November.

*Ninth Circuit.*

3059i. Culpeper.—Third Monday in March, June, September, and December.

Goochland.—Third Monday in February, May, August, and November.

Orange.—Fourth Monday in January, April, July, and October.

Louisa.—Second Monday in January, April, July, and October.

*Tenth Circuit.*

3059j. Henrico.—First Tuesdays in March and June, second Tuesdays in September and December.

City of Richmond.—Third Monday in October and January, and first Monday in April and July.

*Eleventh Circuit.*

3059k. Accomac.—The third Monday in January, March, May, July, September, and November.

Northampton.—The second Monday in January, March, May, July, September, and November.

Elizabeth City.—The first Tuesday in February, April, June, August, October, and December.

City of Newport News.—The first Tuesday in January, March, May, July, September, and November.

*Twelfth Circuit.*

3059l. Richmond.—First Monday in January, March, May, July, September, and November.

Northumberland.—Second Monday in February, April, June, August, October, December.

Lancaster.—Third Monday in January, March, May, July, September, November.

Westmoreland.—Fourth Monday in February, April, June, August, October, December.

Essex.—Third Monday in February, April, June, August, October, December.



*Thirteenth Circuit.*

3059m. Gloucester.—First Monday in January, March, May, July, September, November.

Mathews.—Third Monday in January, March, May, July, September, November.

King and Queen.—Second Tuesday in February, April, June, August, October, December.

King William.—First Tuesday in February, April, June, August, October, December.

Middlesex.—Fourth Tuesday in February, April, June, August, October, December.

*Fourteenth Circuit.*

3059n. New Kent.—Second Thursday in January, March, May, July, September, November.

Charles City.—Third Thursday in February, April, June, August, October, December.

York.—First Tuesday in February, April, June, August, October, December.

Warwick.—Second Monday in January, March, May, July, September, November.

City of Williamsburg and James City.—Second Monday in February, April, June, August, October, December.

*Fifteenth Circuit.*

3059o. King George.—First Tuesday in January, March, May, July, September, November.

Stafford.—Second Monday in January, March, May, July, September, November.

Spotsylvania.—First Monday in February, April, June, August, October, December.

Caroline.—Third Monday in February, April, June, August, October, December.

Hanover.—Third Monday in January, March, May, July, September, November.

*Sixteenth Circuit.*

3059p. Prince William.—First Monday in February, April, June, August, October, December.

Fairfax.—Third Monday in January, March, May, July, September, November.

Alexandria.—Third Monday in February, April, June, October, December.

City of Alexandria.—First Monday in January, May, September, and November.

*Seventeenth Circuit.*

3059q. Frederick.—First Monday in February, April, June, August, October, December.

Clarke.—Fourth Monday in January, March, May, July, September, November.

Warren.—First Monday in January, March, May, July, September, November.

Shenandoah.—Second Monday in January, March, May, July, September, November.

*Eighteenth Circuit.*

3059r. Rockbridge.—Second Monday in January, March, May, September, and November.

Augusta.—Fourth Monday in February, April, June, August, October, December.

*Nineteenth Circuit.*

3059s. —Alleghany.—February first, April first, June fifteenth, September fifteenth, December fifteenth.

Bath.—Twentieth day of March, May, July, November.

Botetourt.—March first, June first, August twenty-fifth, December first.

Craig.—Twentieth of February and tenth of May and October.

Highland.—Fourth Tuesday in April, July tenth, November tenth.

*Twentieth Circuit.*

3059t. Bedford.—First day of March, September, and December, and tenth day of June.

City of Roanoke.—Fifteenth day of March, May, September, and December.

Montgomery.—February fifteenth and first day of May, July, October.

Roanoke.—First day of January, April, June, and November.

Floyd.—The first day of February, sixteenth day of April, July, October.

*Twenty-first Circuit.*

3059u. Wythe.—Second Monday in January, April, August, first Monday in November.

Pulaski.—Second Monday in February, first Monday in May, August, and November.

Carroll.—Tuesday after the first Monday in March and December, Tuesday after third Monday in May and September.

Grayson.—Tuesday after third Monday in March, Tuesday after first Monday in July, Tuesday after second Monday in October.

*Twenty-second Circuit.*

3059v. Giles.—First Monday in February, second Monday in May, fourth Monday in September.

Bland.—Second Monday in March, July, and third Monday in October.

Tazewell.—Third Monday in February, fourth Monday in May, August, and November.

The judge may designate one of the terms of court of Tazewell county at which only criminal cases shall be tried.

*Twenty-third Circuit.*

3059w. Washington.—Fourth Monday in January, March, May, November, third Monday in September.

Smyth.—First Monday in January, March, May, September, and November.

*Twenty-fourth Circuit.*

3059x. Lee.—Second Monday in February, first Monday in May, September, and December.

Wise.—First Monday in January, April, July, and October.

Dickenson.—Tuesday after second Monday in March, Tuesday after fourth Monday in May, Tuesday after third Monday in September, and Tuesday after second Monday in November.

*Twenty-fifth Circuit.*

3059y. Rockingham.—Third Monday in January, March, May, July, September, and November.

Page.—Third Monday in February, April, June, August, October, and December.

*Twenty-sixth Circuit.*

3059z. Fauquier.—Fourth Monday in January, March, May, July, September, and November.

Loudoun.—Second Monday in February, April, June, third Monday in August, second Monday in October and December.

Rappahannock.—First Monday in January, fourth Monday in February, April, and June, first Monday in September, and fourth Monday in October.

*Twenty-seventh Circuit.*

3059aa. Scott.—Tuesday after third Monday in January, Tuesday after first Monday in March and June, and Tuesday after third Monday in September.

Russell.—Tuesday after second Monday in February, Tuesday after first Monday in May, September, and December.

Buchanan.—Tuesday after third Monday in April, Tuesday after fourth Monday in July, and Tuesday after third Monday in November.

*Twenty-eighth Circuit.*

3059bb. Isle of Wight.—First Monday in February, April, June, October, and December.

City of Portsmouth.—Fourth Monday in February, April, and October.

Princess Anne.—Third Monday in January, March, May, July, September, and November.

*Twenty-ninth Circuit.*

3059cc. Amherst.—Third Monday in January, March, May, July, September, and November.

Fluvanna.—Fourth Monday in January, March, May, July, September, and November.

Nelson.—Fourth Monday in February, April, June, August, October, and December.

Buckingham.—Tuesday after second Monday in February, April, June, October, and December.

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CHAP. 197.—An ACT to amend an act entitled "an act to provide for the opening and working of roads and keeping the same in repair, and to provide for erecting and maintaining bridges in the county of Culpeper," approved January 25, 1898.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county of Culpeper to locate, open, change, and repair highways, roads, and bridges, as follows:

2. That for each magisterial district in the county of Culpeper there is hereby created and established a board, consisting of the supervisor, a commissioner of roads, and one of the justices of the peace for each district, which board shall have the exclusive control of the roads, bridges, and ferries within its limits, and all taxes levied for road purposes and for building and repairing bridges shall be expended in said magisterial district, except as hereafter provided. The justice of the peace constituting a member of said board shall be chosen and designated by the three justices of the peace elected and commissioned in the several magisterial districts, and the commissioner of roads shall be appointed by the judge of the circuit court as hereinafter provided. The designation of the justice who is to serve on said board shall be in writing, and shall be preserved and recorded by the board of commissioners of roads. The board hereby created and constituted is declared to be a body politic and corporate, and shall be known and designated as the board of commissioners of roads for \_\_\_\_\_ magisterial district.

3. That the sub-road district as now laid out and described by metes and bounds within the lines of the old township shall remain as they now are unless and until they shall be changed by said board.

4. That annually there shall be appointed by the said board, not later than the first Saturday in June of each year, one overseer of roads for each sub-road district, whose term of office shall be for one year, beginning on the first day of July succeeding his appointment. He shall reside in the magisterial district in which his sub-road district lies, and for which he shall have been appointed, and shall have charge of the roads of his district. If any such overseer refuses to serve after being appointed, or fail to work the roads in his district according to law, when directed by the road commissioner, or when it shall be his duty, he shall be liable to fine not exceeding fifty dollars; but any person after being overseer for two consecutive years, may give up his office on producing a certificate to the board, from the road commissioner, or other satisfactory evidence that the roads in his district are in proper order, and he shall not, within two years thereafter, be appointed overseer without his consent.

5. That his duties shall be to see that the roads in his district are kept in good repair, that the bridges are in a safe condition, that the roads are kept free from obstruction, that all loose stones are removed; and he shall contract for all tools and implements necessary for working the roads, subject to the approval of the commissioner of roads, and shall have custody of the same, and shall perform such other duties as may be prescribed by law or directed by the board of commissioners of roads. His compensation shall be one dollar and fifty cents per diem for each day actually employed: provided, that if such overseer shall employ or work on any of the public roads less than six hands in a day, each working a whole day, he shall receive twenty-five cents per day for each hand so employed and doing a day's work.

6. That biennially, at the May term of the circuit court, there shall be appointed by the judge of the court for each magisterial district, one commissioner of roads, whose term of office shall be for two years, beginning on the first day of July next succeeding his appointment; he shall reside in the district for which he is appointed. Each commissioner of roads thus appointed shall qualify before the judge of the circuit court, in court or during vacation, and shall at the time of his qualification give bond with good personal security in not less than two thousand dollars, nor more than five thousand dollars.

7. That the commissioner of roads shall have charge of all the roads in his magisterial district. His duty shall be to see that all roads in his district are of the proper width, and in all cases where they are not to notify the persons trespassing by written notice; and if the obstructions are not removed after reasonable notice, not to exceed ninety days, he shall direct the overseer of the district to remove the fencing or other obstruction, and may recover the expenses, with costs, from the trespasser upon judgment of a justice of the peace; and if said obstructions are intentionally placed in any public road or any drains leading therefrom, or if the same are not removed after notice as aforesaid, the person placing the same there or refusing to move them shall be liable to a fine not exceeding fifty dollars for each offense. He shall examine the roads in his district twice each year, in the months of June and November, and

see that the roads and bridges are kept in good repair by the overseer and contractor; and if he shall find any overseer or contractor delinquent he shall give him notice, in writing, and on his failure to comply with the law or his contract, shall make the necessary repairs and enforce payment therefor, as provided in section eleven of this act; but if, upon such examination, he shall find that such contractor or overseer has executed his contract or performed his duty according to law or his contract, he shall give him a certificate to that effect, with a statement showing the amount such contractor or overseer is entitled to have offset against his road tax, such certificate to be given before the time fixed for the collection of said tax; and where work has been done by any person other than the contractor, under the direction of the overseer, it shall be the duty of the overseer to give a like certificate. His compensation shall be two dollars per diem for each day in which he has been or may be actively employed in discharging his duties under the provisions of this act, not to exceed thirty dollars in any one year, to be paid by the board of commissioners of roads for the respective magisterial districts. If any such commissioner of roads fail to discharge his duties as provided in this act he shall be liable to a fine not exceeding fifty dollars for each failure.

8. That the commissioner of roads for the district and the overseer of the sub-district shall let to contract at public letting, to the lowest and best bidder, for a term of three years (except in a case of a new road, then it shall be left until the next general levy), all the roads in each district not exceeding two miles in one section, of the time and place of which letting they shall give ten days' notice by printed hand-bills posted in at least three places in each road district. The specifications of such contract shall be such as will effectually open new roads and constantly keep in repair and clear of all impediments to safe and convenient travel all public roads, and they shall embrace the making and maintaining of sufficient bridges over such streams and ravines as may need them, and in every case, except mountain roads, it shall be specified that the bed of the road shall be raised in the middle and slope gradually each way to the sides, where ditches sufficient to carry off the water shall be made and kept open: provided, that the contract and price in no case exceed the estimate made by the overseer and commissioner of roads.

9. That it shall be the duty of the said road commissioner and the overseer, within thirty days preceding the day of public letting, as directed in the preceding section of this act (and within the same period of time preceding the expiration of each and every term of years thereafter), to lay out and divide the public roads and highways in the said district into sections not exceeding two miles in length, which they shall number and describe in a book kept for that purpose. They shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair the said public roads and highways, with an estimate of the amount of money which it will require to improve and keep in repair each and every section of the said roads, respectively, for the term of years approved of and designated as provided for in section seven of this act. The road book herein provided for shall be returned to and preserved by said board, and shall be open to the inspection of any citizen of the county.

10. Each contractor shall sign his name in a book to be kept for that purpose by the commissioner of roads, to a contract embracing all the specifications in relation to the roads contracted for by him, as provided by the eighth section of this act, as well as the contract price, the length of time contracted for, and the number and description of sections contracted for. All contractors shall give bond and security in such sum as the board shall deem sufficient, in a penalty not less than twenty-five dollars nor more than double the contract price.

11. That if a contractor refuse or neglect to comply with the law or his contract, upon complaint the commissioner of roads shall, as soon as practicable, examine the road or section, and if the complaint is well founded shall give immediate notice in writing to the party to make or put his road or section in repair according to law, or as the contract requires, and upon his failure to do so the overseer shall proceed to put the same in order, and the expense thereof, with costs of suit, shall be recovered by the commissioner of roads in the name of the board, from the contractor and his securities, as other debts are recoverable. Every contract price provided for in any contract made under the three preceding sections of this act shall be paid out of the district funds in which the road or section which is the subject of such contract is, but no payment shall be made of any moneys under such contract until the same shall have been allowed by the board of road commissioners of the district after satisfactory evidence of the proper fulfillment of such contract has been presented to them, in which case they shall allow the same and order the payment thereof.

12. That if a section remain unlet by reason of there being no bidder, or the amount offered be deemed unjust, the commissioner of roads and overseer of the district may let the same by private contract, the contract price not to be more than estimated by the overseer and commissioner of roads, and no supervisor of said county or commissioner of roads or other person authorized to represent the county in contracting for the working of any roads thereof, shall be in any way interested in any contract provided for in this act, and any violation of this provision shall render the contract null and void, and in case there be no contract, the overseer of the district shall take charge of the road or section, and make or keep it in repair, and for that purpose may employ such number of laborers, teams, wagons, and plows as may be necessary, and a just allowance shall be made for the labor, teams, plows, and other implements which may be furnished by private individuals, such allowance not to exceed that made by the county for like service immediately prior to the passage of this act; and a day's work shall be fixed at ten hours. And upon all roads which are not worked by contract, as provided in the preceding sections of this act, the bridges shall be built and maintained as follows:

If the cost of building or repairing a bridge will be less than one hundred dollars, the same shall be built or repaired under the direction of the commissioner of roads or the overseer of roads, and paid for out of the road fund of the district in which the bridge is or is proposed to be built. If the cost of such building or repair will be one hundred dollars

or more, then application shall be made by the commissioner of roads for said district, or if the location be between the two districts, by the commissioner of roads of either of said districts, to the board of supervisors of the county, to authorize the said bridge to be built or the repairs to be made. Said board, after hearing evidence as to the necessity therefor, shall determine whether the same is expedient, and if it shall decide in favor of the application, it shall direct the road commissioner or commissioners, of the district or districts in which the bridge is or is supposed to be located, to contract for the work: but all such contracts must be ratified and approved by the board. But the said board of supervisors may, in its discretion, direct the work to be done by the commissioner of roads in such a manner and upon such terms as it may be deemed most expedient, and the costs of building or repairing such bridges shall be paid out of the county treasury, after the work shall have been accepted and approved by the board of supervisors. But, if either before or after the work has been done, it is ascertained that the costs of building or repairing such bridge is or will be less than one hundred dollars, then such cost shall be paid by the board of commissioners of roads out of the road fund of the said district or districts.

13. That when any contractor shall die or remove from his district and shall have fully complied with the conditions of his contract to the date of his death or removal, the commissioner of roads and overseer may release the said contractor from his contract, and shall let the sections for the remainder of the term in the same way and on the same conditions as at the first letting.

14. Every petition for a new road, or to lay out, open, alter, or change a public road must first be presented to the commissioner of roads for the district in which the road is, who shall examine the said road and ascertain and report to the court the practicability of and necessity for the same, and shall ascertain and report whether, in his judgment, a more desirable location can be obtained, and shall endorse upon said petition his approval or disapproval of the same, with his reasons therefor as above provided, which petition and commissioner's report shall be laid before the board of supervisors at its next meeting, and if the board is of opinion from the said report of the commissioner of roads that there is probable necessity for the said road, or proposed change of road, and that it is expedient to open or change the same, it shall appoint three discreet freeholders to view the ground of such new road or proposed change; but if the commissioner of roads disapproves the said road or proposed change, for reasons satisfactory to the board, the board may, at the meeting at which the petition is filed, or at the next succeeding meeting, hear evidence upon said petition, and if it be of opinion that there is a probable necessity for the said road, and that it is expedient to open the same, it shall likewise appoint three discreet freeholders to view the ground of such new road or proposed change, and the county or other competent surveyor shall accompany the viewers, and if necessary survey and map the road. The whole number of viewers must view, but a majority may decide for or against, and they may view and make report of and estimate for any modification of the route.



15. That notice of the time and place, when and where, the viewers shall meet shall be given in some public manner in the vicinage of the proposed road at least five days before the time of meeting. The viewers, before they proceed to discharge their duties, shall be severally sworn by the commissioner of roads, or some other person authorized to administer oaths, to perform their duties impartially, and to the best of their judgment. They shall examine the proposed new road or change of road, and ascertain and report the practicability and necessity for the change, the character of the work to be done, to properly open and establish the same, and all such facts as will fully advise the board of the propriety of opening, establishing, or changing said road as asked in the petition. They shall further report the probable cost of the work, and shall also ascertain and report whether a more feasible or desirable route can be obtained, and if they recommend a different route from that asked in the petition they shall report as to it in the same manner as they are required to report with reference to the road asked in the petition. If they decide that there is a public necessity for the road or change they shall lay out the same, having respect for the shortest distance and best ground and so as to do the least injury to private property, and also, so far as practicable, to be agreeable to the petitioners. They shall assess the damages done to the land through which the road passes, taking into consideration the advantage to be derived from the road passing through the land, and shall report in writing to the board of supervisors, but in no case shall any yard, garden, orchard, or graveyard, or any part thereof, be taken without the consent of the owner.

16. Upon the filing of said report the proprietors and tenants of lands upon which said road will be, if established, shall be summoned to show cause against the said report, and any proprietor or tenant of lands on which said road be, if established, or any citizen interested, may enter himself a party defendant to the said petition, after which the same proceeding shall be had as under the general road law of the State upon the return of the report of commissioner of roads. If no person is entered a party defendant to the said petition, and the board is satisfied that the public interest will be subserved by opening the said road, or making the proposed change, and the payment of the costs and damages as reported, it shall approve said report and order the said road to be opened or the proposed changes to be made and the damages to be paid: provided, however, that the board may, in its discretion, adopt any other route which may appear most feasible and to the public interest: provided, further, that the board may, if the expenditure proposed on the character of the road is such as to render it proper, in the opinion of the board, direct the commissioner of roads to let the opening or change of said road by contract, and may direct the reception of bids therefor, ratify or reject the same, or any of them, direct the plan, specifications, and manner of execution of the work and the materials to be used, or it may, in its discretion limit the expense to be incurred in opening or changing any proposed road. Either the applicant or defendant shall have the right of appeal from any final order of the court in any proceeding to open or change a road to the circuit court, upon which appeal the same proceedings shall be had as are

had in cases of appeals in road cases under the general laws of this State. The costs of opening or changing the said road, including the costs of the view and survey and the damage allowed, shall be paid out of the county treasury, but no such opening or change shall be made through any enclosed lands except by consent of the proprietor until the damages allowed him shall be actually paid.

17. That the board of supervisors, at the time when any new road is established, direct what width the roadbed shall be made, and shall have power to regulate the width of all roads: provided, that the land condemned for any new road shall not be less in width than thirty feet.

18. That the board may, in its discretion, recommit any report of the viewers to do the same or other viewers for a further report upon the same or any other route. The viewers and commissioner of roads shall each be paid one dollar per diem, and the county or other surveyor two dollars per diem, to be paid out of the county treasury.

19. That the clerk of the board shall keep a road docket, in which all proceedings in regard to roads in the county shall be kept on record.

20. That in case of a road being the dividing line between two magisterial districts, the commissioners of roads of the adjoining districts shall divide the same road between such districts in such way as will equitably divide the expense, if they can agree; and in case they cannot agree, the board of supervisors shall divide the same, and direct what part of the road shall be opened and kept in repair by each magisterial district.

21. Any overseer or contractor shall have power to enter upon any lands adjoining his road or section to make necessary repairs, drains, or ditches.

22. That the board of commissioners of roads for their respective districts shall annually, in the month of July of each year, lay a road tax, not exceeding twenty cents on every one hundred dollars of value of property, real and personal, within their districts, and immediately certify the same to the commissioner of the revenue for their respective districts, who shall thereupon extend the said taxes in the copies of his books to be delivered to the clerk of the county court and to the treasurer of the county. Should any contractor under the operation of this act be injured or damaged by the repeal of section nineteen of the aforesaid act, entitled an act to provide for the working of roads in the county of Culpeper, said board of commissioners of roads shall hear the complaint, and upon evidence before it, assess the damage done to the contractor and pay the same out of the road tax aforesaid. Should the contractor be dissatisfied with the decision of said board of commissioners of roads, he may, within thirty days, appeal as of right to the circuit court. The board of commissioners of roads shall be summoned to appear before said circuit court, the appeal be heard without formal pleadings, as are appeals from the judgments of justices of the peace, and the judgment of the circuit court shall be final. When the decision of the board of commissioners of roads is reversed by the judgment of the circuit court said board of commissioners shall provide out of said road tax for the payment of the judgment and all costs incidental to the appeal.

23. That the treasurer of the county shall collect the road tax in the same manner and at the same times and places he receives the State and county taxes, and pay the same over to the commissioners of roads of the several districts. He shall be charged with the full amount of the road taxes levied for the year, and credited by all sums paid over in money or otherwise as herein provided. The treasurer shall receive, as equivalent to money, all accounts for labor, teams, plows, wagons, material furnished, or for services rendered in any way, when properly certified by the commissioner or overseer or allowed by the road board as provided in this act, and the same shall be receipted for by the commissioner as if paid to him in money. Each commissioner of roads acting under the provisions of this act shall settle with the board of commissioners of roads on the first Monday of September of each year, or as soon thereafter as the said board shall meet, and account for all moneys received by him from the treasurer for road purposes, and pay over any balances in his hands to his successor in office, which shall be placed to the credit of the board and appropriated for road purposes.

24. That all persons who shall make payment of road taxes on or before the first day of December shall be entitled to a deduction of five per centum; and any person failing to pay any road taxes to the treasurer by the first day of December shall incur a penalty equal in amount to that incurred for non-payment of State taxes, which shall be added to the road taxes and collected and accounted for as provided for in case of State and county taxes.

25. That the board of commissioners of roads shall annually on the first Monday in June audit, adjust, and settle the accounts of the treasurer for the preceding year. They shall charge the treasurer with the full amount of road tax levied in the district, and shall credit him by his commissions, delinquents, and all payments made by him to the commissioner of roads for which he has the proper receipt. The treasurer shall receive the same per centum for collecting road taxes as for collecting the State revenue. He shall pay said road taxes received and collected by him, upon warrants issued by the board of commissioners of roads. The clerk of the board shall receive as compensation for his services two dollars per diem for the time actually engaged in attendance upon the meetings of the board, not to exceed twelve dollars in any one year, and an additional sum for clerical services, not to exceed ten dollars in any one year. The chairman of the board shall receive as compensation for his services two dollars per diem for the time actually engaged in attendance upon the meetings of the board, not to exceed twelve dollars in any one year.

26. Any person or persons causing water to be diverted from its natural course and conveyed across a public highway, or who, by the erection of waste gates or any other means, shall cause water to flow or be conducted over such public highway shall place and keep in good repair bridges over the same at his or her expense; and if the commissioner or overseer of roads shall notify such person or persons that his or their bridge is unsafe, and such person or persons fail to make the necessary repairs, he or they shall be held responsible for all damages, to be recov-

ered by warrant before a justice of the peace or court of competent jurisdiction, that may result from such failure. Within ten days after such failure the commissioner or overseer may make such repairs, and require such party or parties to pay all costs thereby incurred, which costs may be recovered before a justice of the peace or court of competent jurisdiction.

27. That upon the petition of twenty free holders of each district the board of supervisors, if a majority of them shall so determine, may direct that the county surveyor shall make a survey and map of the county, showing on the same the boundaries of each magisterial district, marking the location of towns, stores, mills, postoffices, churches, school houses, and other prominent objects, indicating beds of minerals; all the mappings to be completed in three years from the first day of January, eighteen hundred and seventy-six.

28. That the compensation of the surveyor shall be fixed by the board of supervisors, and shall not exceed two dollars and fifty cents per diem for the time actually employed.

29. That the price of the map on rollers shall not exceed five dollars, and that each person whose levy for map purposes shall in three years be equal to five dollars shall be entitled to a copy, and each person whose levy does not reach five dollars shall have a copy by paying the difference between his levy and the price of the map. The said maps shall be under the control of the surveyor: provided, the price of the same shall be fixed by the board of supervisors.

30. The road boards, for the several districts hereinabove provided for, shall keep an itemized account of all receipts and disbursements made, and publish the same once a year in some paper published in the said county of Culpeper, and the clerks of the respective road boards shall each receive the sum of five dollars per annum for their services in stating and having published such account, in addition to the remuneration already hereinabove allowed.

31. At the discretion of the board of supervisors of Culpeper the general road law of this State, except so far as the same is in conflict with this act, may be in force in the county of Culpeper.

32. All acts heretofore passed by the general assembly of Virginia in reference to the county roads of Culpeper county are hereby repealed, except an act approved February nineteenth, eighteen hundred and ninety-six, in reference to working roads in Stevensburg magisterial district of said county, and in such other districts as may adopt the same.

33. All incumbents of offices under the road law now in force in Culpeper will continue in office and discharge the duties of the same until their successors are duly appointed and qualified under the provisions of this act.

34. Schedule of prices allowed for the use of teams, plows, and wagons: For four-horse team, wagon, and driver, three dollars; for two-horse team, wagon, and driver, two dollars; for ox team, wagon, and driver, two dollars; for plow, two horses, and driver, three dollars.

CHAP. 198.—An ACT to amend and re-enact an act approved December 18 1903, entitled "an act to provide for the working and keeping in repair the public roads and bridges in the county of Patrick."

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That an act approved December eighteenth, nineteen hundred and three, entitled "an act to provide for the working and keeping in repair the public roads and bridges in the county of Patrick," be amended and re-enacted so as to read as follows:

§1. The board of supervisors for the said county shall, as soon as practicable after the passage of this act, divide the roads in said county into sections of not more than ten miles each, said road sections to be numbered and known as road sections number \_\_\_\_\_, in \_\_\_\_\_ magisterial district.

§2. It shall be the duty of the said board of supervisors for said county to annually, during the month of May, or as soon thereafter as practicable, to appoint one road overseer for each section in said county, the said overseer to reside on or contiguous to the section of which he is appointed overseer; and, furthermore, to be a man of sound judgment, and possess a practical knowledge of road making; and he must also be the owner of land contiguous to said roads; said overseer to be appointed for the period of one year, unless sooner removed in the manner hereinafter provided.

Said overseer shall qualify as district officers are required by law to qualify, and each of them shall enter into an acknowledged bond before the court, judge, or county clerk before whom he qualifies, with surety to be approved by such court, judge, or clerk in a penalty of at least three hundred dollars, and larger when deemed necessary by such court, judge, or clerk, and failure to qualify and give bond, as aforesaid, within sixty days next after his appointment, shall vacate his office. Such bonds shall be payable to the board of supervisors of the county and conditioned for the faithful discharge of the duties of the respective overseers. Such bonds may be recovered on motion, after fifteen days' notice in the circuit court of the county of Patrick, the amount so recovered to go into, and become a part of, the road funds for said county. Any vacancy occurring in the office of overseer may be filled by the said board of supervisors of the said county at any time.

§3. It shall be the duty of each road overseer provided for by this act to provide, superintend, and direct the repairs of keeping in order and making of all county roads and bridges within his road section in such manner, and under such regulations, restrictions, plans, specifications, and estimates as may be prescribed by the board of supervisors for the said county. It shall be his duty to hire all necessary hands (who shall reside convenient to such roads), wagons, teams, and implements as may be necessary in working, repairing, making, and maintaining said roads and bridges. The said overseer shall deliver to every person entitled to receive any amount on account of labor, teams, wagons, or other imple-

ments used in working said roads, a statement of the amount due him, and he shall furthermore render a statement in writing, under oath, for such labor, teams, wagons, and other implements, and to whom due, at each quarterly meeting of the board of supervisors, provided for under this act. He shall furthermore make a report in writing, under oath, of the condition of the public roads in his section, the amount of money or labor, or both, expended or performed on said roads and bridges, and in the employment of laborers, or use of materials, and such other matters relative thereto, as the board of supervisors shall suggest and require.

§4. The board of supervisors of the said county shall, from time to time, prescribe and note upon the records of their proceedings, such plans, specifications, restrictions, directions, and estimates of the cost of the various road sections as they shall deem best for the working, making and keeping in order and repairing the roads and bridges in their county, including any special plans, specifications, or directions, that they may prescribe for particular roads or bridges. They shall have full power and control of all roads, property, cattle, horses, mules, plows, and machinery now belonging to the said county; and shall have full power and authority to provide for the use of the same, either by the said overseers or their special agents employed by them for that purpose, or they may sell any or all of such road property now on hand, or as they may deem best.

§5. Every overseer provided for by this act, subject to the control, specifications, directions, and estimates of the board of supervisors, as hereinbefore provided, shall cause the roads in his section to be kept cleared, smoothed of rocks, and obstructions, of necessary width, well drained, and otherwise in good order and secure from falling of dead or unsafe timber therein, and shall cause to be placed and kept at the fork or crossing of every road, a sign-board, on which shall be stated, in plain letters, the most noted place to which each road leads, and across every stream, when it is necessary and practicable, a sufficient bench or bridge or log for the accommodation of pedestrians.

§6. The overseer of any section may take from any convenient place or lands so much wood, stone, gravel, or earth as may be necessary to be used in constructing or repairing any road or bridge or causeway therein; and may, for the purpose of draining the road, cause a ditch to be cut through any lands adjoining the same: provided, such wood or other articles be not taken from, and such ditch be not cut through any yard or garden without the consent of the owner.

§7. If the owner or tenant of any such lands shall think himself injured thereby, a justice, upon application to him, shall issue a warrant to the freeholders requiring them to view the said lands and ascertain what is just compensation to such owner or tenant for the damage to him by reason of anything done under the preceding section. The said freeholders, after being sworn, shall accordingly ascertain such compensation and report the same to the board of supervisors, and a warrant shall be issued by them for this amount to the complaining party at their next quarterly meeting.

§8. Where the public roads in said county form dividing lines between magisterial districts, the board of supervisors shall divide such roads between the districts as they may deem best.

§9. When the roads that have been ordered to be established or altered the court so ordering may order the opening of the roads or alteration to be made by the nearest road overseer, or overseers. In all such cases the overseers shall perform such duty in the same manner as herein prescribed, and shall be entitled to the same compensation as for similar work on roads now established.

§10. For the purpose of performing their duties under this act, the board of supervisors shall meet four times per year—namely: the second Mondays in February, May, August, and November, and they may appoint and hold such other meetings as may be necessary to carry out the provisions of this act. At each of the meetings above mentioned, it shall be the duty of the board of supervisors to settle with the overseers, and ascertain and audit the amounts due any person for labor, teams, wagons, and other implements aforesaid, and issue their warrants therefor: provided, however, that they shall not issue or deliver said warrants or audit said claims until the said overseers shall have first made out and filed with said board their reports as above provided. The said board of supervisors, at each of said quarterly meetings, shall diligently inquire into the manner in which said overseers have performed their duties; and in case said overseer, or any of them, shall have employed either labor, teams, wagons, plows, or other implements when the same was not necessary, for a greater time than was necessary, thereby creating an unnecessary expense, or if they find that said overseers, in their reports, have made any overstatement, or any false statement of the expense in performing their duties under this act, the said board of supervisors shall remove the said overseer, after first giving him twenty days' notice; and moreover, they shall ascertain the amount of such unnecessary expense, or the amount of such false overstatement, which amount, when so ascertained, shall stand as a charge against said overseers, for which said overseers and the sureties on their bonds shall be liable; and no payment on account of their services shall be paid to any overseer so in default until said amounts are paid.

§11. The board of supervisors of said county shall have power to remove any road overseer at any time during his term in office for neglect of duty, or malfeasance in office, after first giving to any such overseer twenty days' notice of the time and place of meeting for the purpose of investigating any such neglect and malfeasance.

§12. The said overseers shall each receive the sum of one dollar and twenty-five cents per day for every necessary day employed in performing their duties under this act, such compensation to be ascertained by the board of supervisors at their quarterly meetings, subject to the foregoing restrictions, and shall be paid by warrants of the said board of supervisors on the treasurer of the said county.

§13. The said board of supervisors shall, from time to time, fix the prices allowed for the use of teams, plows, wagons, and other implements used on said roads, and prepare a schedule thereof, a copy of which shall

be delivered to each overseer by the county clerk: provided, that no price be allowed for the use of any implement, the market value of which does not exceed one dollar. The said board of supervisors may, in their discretion, furnish to any or all overseers all necessary tools, machinery, implements, teams, and so forth, and the said board of supervisors shall have the right to adopt such additional rules and regulations not inconsistent with the provisions of this act for the purpose of fully carrying into effect the intent of this act.

§14. It shall be the duty of each supervisor to keep himself informed as to the condition of the public roads and bridges in his magisterial district, the manner in which they are worked and kept in repair, and whether or not the overseers of their several sections have fully performed their duty, and for that purpose each supervisor shall inspect all the roads and bridges in his district at least once in every six months, and make report in writing to the board of supervisors of the county aforesaid at the February and August meetings of each year, which report shall be filed in the county clerk's office.

§15. For performing their duties under this act, the said board of supervisors shall each receive such compensation as fixed by general law.

§16. Every overseer shall be liable to prosecution for any negligence of duty or malfeasance in his office, and upon conviction shall be fined in each case not less than five dollars nor more than fifty dollars, and the semi-annual reports of the supervisors of his district required by section fourteen of this act, may be taken as evidence on which to found a prosecution.

§17. The board of supervisors shall annually levy, along with the county levy, a tax upon the property, real and personal, assessed for taxation in said counties, which shall be applied to working, constructing, and keeping in order the roads and bridges in said counties, and the compensation of the overseers under the provisions of this act. Such tax shall not exceed fifty cents on every one hundred dollars' worth of such property, and the same shall be collected and accounted for as if it were a county levy.

The county treasurer of the said county shall keep a separate account of this fund, and it shall be disbursed on the warrants of the board of supervisors.

§18. For any service rendered by the clerk of the county aforesaid under the provisions of this act, he shall receive the same fees as now allowed by law for like services.

§19. All acts and parts of acts in conflict with this act are to that extent repealed. This act shall be construed to repeal the general law on roads only to the extent it conflicts therewith in the county of Patrick.

§20. By reason of the dangerous condition of the roads in said county, and the necessity for their repair, an emergency is hereby declared to exist, and this act shall be in force from its passage.



CHAP. 199.—An ACT to repeal an act entitled an act to authorize the board of supervisors of Caroline county to levy an additional capitation tax of one dollar per year, to be applied in the aid of public schools in said county and for such other county purposes as they may determine. approved March 10, 1904.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the board of supervisors of Caroline county to levy an additional capitation tax of one dollar per annum to be applied in aid of public schools in said county or for such other county purposes as they may determine, approved March tenth, nineteen hundred and four, be, and the same is hereby, repealed.

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CHAP. 200.—An ACT to place a bronze tablet in the capitol building containing thereon the names of the commissioners, clerk, architects, and contractor under whose supervision the work of remodeling the building was done.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the names of the commissioners, clerk, architects, and contractor under whose supervision the capitol was remodeled be placed on a bronze tablet against the wall at such place as the president of the senate, the speaker of the house, and the register of the land office may designate.

2. That the sum of one hundred and fifty dollars, or as much thereof as may be necessary, is hereby appropriated out of the treasury for this purpose.

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CHAP. 201.—An ACT to amend and re-enact an act entitled "an act to authorize the board of supervisors of the county of Carroll to let to contract the roads of said county, and to levy a tax to keep the same in proper repair," as amended by an act approved February 29, 1894, and February 2, 1892, and acts amendatory thereof, respectively, January 22, 1898, as amended by an act approved March 7, 1900.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to authorize the board of supervisors of the county of Carroll to let to contract the roads of said county, and to levy a tax to keep the same in proper repair," as amended by an act approved February twenty-ninth, eighteen hundred and ninety-two, and acts amendatory thereof, respectively, January twenty-second, eighteen hundred and ninety-four, and February second, eighteen hundred and ninety-eight, as amended by an act approved March seventh, nineteen hundred, be amended and re-enacted so as to read as follows:

§1. The board of supervisors for the said county shall, as soon as practicable after passage of this act, divide the roads in said county into

sections of not more than ten miles each, said road sections to be numbered and known as road sections number \_\_\_\_\_, in \_\_\_\_\_ magisterial district.

§2. It shall be the duty of the said board of supervisors for said county to annually, during the month of May, or as soon thereafter as practicable, to appoint one road overseer for each section in said county, the said overseer to reside on or contiguous to the section of which he is appointed overseer; and, furthermore, to be a man of sound judgment, and possess a practical knowledge of road making; and he must also be the owner of land contiguous to said roads; said overseers to be appointed for the period of one year, unless sooner removed in the manner hereinafter provided.

Said overseer shall qualify as district officers are required by law to qualify, and each of them shall enter into an acknowledged bond before the court, judge, or county clerk before whom he qualifies, with surety to be approved by such court, judge, or clerk, in a penalty of at least three hundred dollars, and larger when deemed necessary by such court, judge, or clerk, and failure to qualify and give bond, as aforesaid, within sixty days next after his appointment, shall vacate his office. Such bonds shall be payable to the board of supervisors of the county and conditioned for the faithful discharge of the duties of the respective overseers. Such bonds may be recovered on motion, after fifteen days' notice in the circuit court of the county of Carroll, the amount so recovered to go into and become a part of, the road funds for said county. Any vacancy occurring in the office of overseer may be filled by the said board of supervisors of the said county at any time.

§3. It shall be the duty of each road overseer provided for by this act to provide, superintend, and direct the repairs of keeping in order and making of all county roads and bridges within his road section in such manner, and under such regulations, restrictions, plans, specifications, and estimates as may be prescribed by the board of supervisors for the said county. It shall be his duty to hire all necessary hands (who shall reside convenient to said roads), wagons, teams, and implements as may be necessary in working, repairing, making, and maintaining said roads and bridges. The said overseer shall deliver to every person entitled to receive any amount on account of labor, teams, wagons, or other implements used in working said roads, a statement of the amount due him, and he shall furthermore render a statement in writing, under oath, for such labor, teams, wagons, and other implements, and to whom due, at each quarterly meeting of the board of supervisors, provided for under this act. He shall furthermore make a report in writing, under oath, of the condition of the public roads in his section, the amount of money or labor, or both, expended, or performed on said roads and bridges, and in the employment of laborers, or use of materials, and such other matters relative thereto, as the board of supervisors shall suggest and require.

§4. The board of supervisors of the said county shall, from time to time, prescribe and note upon the records of their proceedings, such plans, specifications, restrictions, directions, and estimates of the cost of the various road section as they shall deem best for the working, making, and

keeping in order and repairing the roads and bridges in their county, including any special plans, specifications, or directions, that they may prescribe for particular roads or bridges. They shall have full power and control of all roads, property, cattle, horses, mules, plows and machinery now belonging to the said county; and shall have full power and authority to provide for the use of the same, either by the said overseers or their special agents employed by them for that purpose, or they may sell any or all of such road property now on hand, or as they may deem best.

§5. Every overseer provided for by this act, subject to the control, specifications, directions, and estimates of the board of supervisors, as hereinbefore provided, shall cause the roads in his section to be kept cleared, smoothed of rocks and obstructions, of necessary width, well drained, and otherwise in good order, and secure from falling of dead or unsafe timber therein, and shall cause to be placed and kept at the fork or crossing of every road, a sign-board, on which shall be stated, in plain letters, the most noted place to which each road leads, and across every stream, when it is necessary and practicable, a sufficient bench or bridge or log for the accommodation of pedestrians.

§6. The overseer of any section may take from any convenient place or lands so much wood, stone, gravel, or earth as may be necessary to be used in constructing or repairing any road or bridge or causeway therein; and may, for the purpose of draining the road, cause a ditch to be cut through any lands adjoining the same: provided, such wood or other articles be not taken from, and such ditch be not cut through, any yard or garden without the consent of the owner.

§7. If the owner or tenant of any such lands shall think himself injured thereby, a justice, upon application to him, shall issue a warrant to the freeholders requiring them to view the said lands and ascertain what is just compensation to such owner or tenant for the damage to him by reason of anything done under the preceding section. The said freeholders, after being sworn, shall accordingly ascertain such compensation and report the same to the board of supervisors, and a warrant shall be issued by them for this amount to the complaining party at their next quarterly meeting.

§8. Where the public roads in said counties form dividing lines between magisterial districts, the board of supervisors shall divide such roads between the districts as they may deem best.

§9. When the roads that have been ordered to be established or altered the court so ordering may order the opening of the roads or alteration to be made by the nearest road overseer, or overseers. In all such cases the overseers shall perform such duty in the same manner as herein prescribed, and shall be entitled to the same compensation as for similar work on roads now established.

§10. For the purpose of performing their duties under this act, the board of supervisors shall meet four times per year—namely: the second Mondays in February, May, August, and November, and they may appoint and hold such other meetings as may be necessary to carry out the provisions of this act. At each of the meetings above mentioned, it shall be the duty of the board of supervisors to settle with the overseers, and

ascertain and audit the amounts due any persons for labor, teams, wagons, and other implements aforesaid, and issue their warrants therefor: provided, however, that they shall not issue or deliver said warrants or audit said claims until the said overseers shall have first made out and filed with said board their reports as above provided. The said board of supervisors, at each of said quarterly meetings, shall diligently inquire into the manner in which said overseers have performed their duties; and in case said overseers, or any of them, shall have employed either labor, teams, wagons, plows, or other implements when the same was not necessary, for a greater time than was necessary, thereby creating an unnecessary expense, or if they find that said overseers, in their reports, have made any overstatement, or false statement, of the expense in performing their duties under this act, the said board of supervisors shall remove the said overseer, after first giving him twenty days' notice; and moreover, they shall ascertain the amount of such unnecessary expense, or the amount of such false overstatement, which amount, when so ascertained, shall stand as a charge against said overseers, for which said overseers and the sureties on their bonds shall be liable; and no payment on account of their services shall be paid to any overseer so in default until said amounts are paid.

§11. The board of supervisors of said county shall have power to remove any road overseer at any time during his term of office for neglect of duty, or malfeasance in office, after first giving to any such overseer twenty days' notice of the time and place of meeting for the purpose of investigating any such neglect or malfeasance.

§12. The said overseers shall each receive the sum of one dollar and twenty-five cents per day for every necessary day employed in performing their duties under this act, such compensation to be ascertained by the board of supervisors at their quarterly meetings, subject to the foregoing restrictions, and shall be paid by warrants of the said board of supervisors on the treasurer of the said county.

§13. The said board of supervisors shall, from time to time, fix the prices allowed for the use of teams, plows, wagons, and other implements used on said roads and prepare a schedule thereof, a copy of which shall be delivered to each overseer by the county clerk: provided, that no price be allowed for the use of any implement, the market value of which does not exceed one dollar. The said board of supervisors may, in their discretion, furnish to any and all overseers all necessary tools, machinery, implements, teams, and soforth, and the said board of supervisors shall have the right to adopt such additional rules and regulations not inconsistent with the provisions of this act for the purpose of fully carrying into effect the intent of this act.

§14. It shall be the duty of each supervisor to keep himself informed as to the condition of the public roads and bridges in his magisterial district, the manner in which they are worked and kept in repair, and whether or not the overseers of their several sections have fully performed their duty, and for that purpose each supervisor shall inspect all the roads and bridges in his district at least once in every six months, and

make report in writing to the board of supervisors of the said county, at the February and August meetings of each year, which report shall be filed in the county clerk's office.

§15. For performing their duties under this act, the said board of supervisors shall each receive such compensation as fixed by general law.

§16. Every overseer shall be liable to prosecution for any negligence of duty or malfeasance in his office, and upon conviction shall be fined in each case not less than five dollars nor more than fifty dollars, and the semi-annual reports of the supervisors of his district required by section fourteen of this act, may be taken as evidence on which to found a prosecution.

§17. The board of supervisors shall annually levy, along with the county levy, a tax upon the property, real and personal, assessed for taxation in said counties, which shall be applied to working, constructing, and keeping in order the roads and bridges in said counties, and the compensation of the overseers under the provisions of this act. Such tax shall not exceed fifty cents on every one hundred dollars' worth of such property, and the same shall be collected and accounted for as if it were a county levy.

The county treasurer of the said county shall keep a separate account of this fund, and it shall be disbursed on the warrants of the board of supervisors.

§18. For any service rendered by the clerk of the county aforesaid under the provisions of this act he shall receive the same fees as now allowed by law for like services.

§19. All acts and parts of acts in conflict with this act are to that extent repealed. This act shall be construed to repeal the general law on roads only to the extent it conflicts therewith in the county of Carroll.

§20. By reason of the dangerous condition of the roads in said county, and the necessity for their repair, an emergency is hereby declared to exist, and this act shall be in force from its passage.

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CHAP. 202.—An ACT to amend and re-enact sections twenty, twenty-five, and twenty-seven of an act entitled an act to provide a new charter for the town of Pocahontas, approved March 24, 1896.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That sections twenty, twenty-five, and twenty-seven of an act entitled an act to provide a new charter for the town of Pocahontas, approved February twenty-four, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§20. No license shall be granted to any person, corporation, company, firm, partnership, or association, to sell wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, either by wholesale or retail, or to be drunk at the place where sold, or in any other way within the corporate limits of said town, or within one mile thereof, without, unless and until

the applicant shall produce to the circuit court of Tazewell county, or other officer authorized to grant such license, the written consent of the council of the town of Pocahontas, and upon the production of the record of said council, or a certified copy thereof, to said court as aforesaid, showing such consent of said council, and specifying the place where to be sold and in what manner, that the applicant is a corporation, or if the applicant be not such a corporation, that the person so applying is sober, discreet, and of good moral character, that the place is a suitable and convenient one, and that said applicant, in case the application be for a retail liquor dealer's license, has paid into the treasury of said town of Pocahontas, in lawful money of the United States, the sum of six hundred dollars, or, in case the application be for a wholesale liquor dealer's license, that the applicant has paid into the treasury of said town the sum of one thousand dollars, or, in case the application be for a wholesale malt liquor dealer's license only, that the applicant has paid into the treasury of said town the sum of six hundred dollars, and in either case the applicant shall also produce to said court a receipt of the treasurer of Tazewell county, showing that the amount of tax required by existing laws has been paid to the State for the exercise of such privilege, then said court shall grant such applicant a license to sell any or all of the things mentioned in this section, but in the manner only as set forth in such application. No more than two licenses shall be granted to the same person, corporation, company, firm, partnership, or association in any one year to sell in any of the modes herein designated, nor shall any such license be granted until the applicant shall execute bond in the circuit court of Tazewell county, with good security, in the penalty of five thousand dollars, conditioned according to law.

Any person, corporation, company, firm, partnership, or association, who, without first securing a license as required by the foregoing section, shall sell wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, or fruits preserved in ardent spirits, either by wholesale, retail, or to be drunk where sold, or any other way, within the corporate limits of said town, or within one mile thereof, shall be punished with a fine of fifty dollars for each offense, and if the fine and costs of such prosecution be not at once paid, the offender shall be forthwith committed to the jail of said town until said fine and costs be paid or until discharged by due process of law; and any person found guilty of the offense may be required by the officer who shall try said case to give bond in a reasonable sum to be of good behavior for twelve months, and in default of said bond the accused shall be committed to jail until he does give it, or be discharged by due process of law.

§25. Sergeant.—The sergeant of the town of Pocahontas shall be elected by the town council of Pocahontas at its first regular meeting in September, or as soon after as may be practical. He shall have power, and it shall be his duty, to collect all fines and penalties which may be imposed by the police justice and arising from the police department, and he shall pay over the same to the treasurer of the town every week. He shall be ex-officio chief of police, and shall have the same powers and exercise and discharge the same duties as constable within the corporate

limits of the town and to the distance of one mile beyond the same, and in general exercise all the powers of a police officer of cities and towns under the laws of the State of Virginia. He shall attend the meetings of the council, and shall make a report to that body at its first regular meeting in each month of the condition of his office, and may be required to do so at any time by the council. He shall execute a bond in the penalty of five thousand dollars, with surety to be approved by the council, conditioned according to law, for the faithful performance of his duty. He shall receive for his services a salary of sixty dollars per month, which shall not be increased or diminished during his term of office.

§27. Police.—The council shall, at its first regular meeting in September of each year, or as soon thereafter as may be practical, elect three citizens of the town of Pocahontas, who shall, with the sergeant, constitute the police force of the said town, and shall exercise all the duties and powers given to police officers under the laws of the State of Virginia; the said council may establish such rules and regulations for the government of said force as it may deem necessary; they shall receive a salary of not exceeding seven hundred and twenty dollars per annum each for their services, payable in equal installments monthly, and they shall receive no other compensation.

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CHAP. 203.—An ACT to repeal an act approved March 1, 1892, entitled "an act to amend the special road laws in the counties of Scott and Lee, and to provide for the working of roads in the counties of Scott, Lee, and Wise, as amended and re-enacted by an act approved March 2, 1894."

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That an act approved March first, eighteen hundred and ninety-two, entitled "an act to amend the special road laws of the counties of Scott and Lee, and to provide for the working of roads in the counties of Scott, Lee, and Wise, as amended and re-enacted by an act approved March second, eighteen hundred and ninety-four, be, and the same is hereby, repealed.

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CHAP. 204.—An ACT appropriating \$10,000 to the State board of agriculture and immigration, to be expended in promoting and encouraging immigration into this State.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the commissioner of agriculture and immigration is hereby directed and empowered to appoint one or more agents, subject to the approval of the State board of agriculture and immigration, whose duties it shall be to promote and encourage desirable immigration, said immigrants to be experienced in agricultural pursuits, and shall be selected from agricultural

districts for farm and desirable domestic labor into this State: provided, however, that no pauper or criminal, or any other persons who cannot furnish a certificate from reliable authority in the community in which they last lived, that they are persons of good moral character, be permitted to be sent into this State under this act; such agent or agents shall be at all times subject to the direction and control of the State board of agriculture and immigration.

2. The commissioner of agriculture and immigration shall supply such agent or agents, for distribution, with printed and illustrated literature, showing the agricultural and other resources and advantages of this State. He may also advertise such resources in such States and countries and through such mediums as the State board of agriculture and immigration may deem wise and expedient. He shall keep filed in his office all applications for labor from citizens of this State who desire such immigrants or labor, and use every effort to direct to such applicants the immigrants or labor best suited for the work desired.

3. For the purpose of carrying out this act, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of funds not otherwise appropriated, and the auditor is hereby directed to pay such money to the commissioner of agriculture and immigration upon warrants drawn by the State board of agriculture and immigration and signed by the chairman of said board.

4. The State board of agriculture and immigration shall prescribe and fix the salary to be paid said agents, and shall make all proper allowances for necessary travelling expenses of said agents, and shall prescribe the duties of said agents; and said agents shall quarterly make sworn statements to the board of their expenses.

5. The commissioner of agriculture and immigration shall make a report quarterly to the State board of agriculture and immigration, and annually make a detailed report to the governor showing the receipts and disbursements, results obtained, or expected to be obtained, or any other information or suggestions upon securing immigrants for this State.

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CHAP. 205.—An ACT to amend and re-enact section 2154 of the Code of Virginia.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That section two thousand one hundred and fifty-four of the Code of Virginia of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§2154. If any person take, steal, or carry away, without permission of the owner, oysters imbedded or planted, oysters deposited by any person making up a cargo for market, or shells planted for formation of oyster beds, shall be deemed guilty of the larceny thereof, and upon conviction be confined not less than one nor more than three months for each offense. or fined not less than twenty-five dollars nor more than one hundred



dollars for each offense, either or both, in the discretion of the jury or of the justice or court trying the case, if it shall be tried without a jury.

2. All acts and parts of acts in conflict with this act are herewith repealed.

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CHAP. 206.—An ACT to incorporate the town of Dublin, in Pulaski county, Virginia.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the town known as Dublin, in the county of Pulaski, as the same has heretofore been laid off in lots, streets, and alleys, or may hereafter be further laid off and extended within the following described boundaries:

Beginning at the cattle-guard on the Norfolk and western railway in front of the property of Mistress A. C. White; thence south at right angles with Norfolk and western to a point on the line of said Mistress White's property; thence in an easterly course, crossing the Newbern road, to the southwest corner of Professor Cannaday's property, where the same joins the lands of M. Eisenman; thence along said Eisenman line in an easterly course to the southwest corner of the land of James H. Darst, on the north side of the public road; thence along the north side of said road in an easterly course to a point opposite the gate on the road leading to E. D. Withrow's; thence in a northerly course to a point on the Norfolk and western railroad, seven hundred (700) feet east of the cattle-guard east of the depot; thence in a northerly course at a right angle with said road four hundred and ninety feet to a point in the lands of James H. Darst; thence a westerly course to the southeast corner of the Dublin institute lot; thence in a northerly course along said lot on the west side of the Cloyd mountain turnpike to Francis Bell's corner; thence along said Bell's line a westerly course to the west corner of said lot; thence south along the line of the said lot to its southwest corner; thence in a straight line to the place of beginning, be, and is hereby, made a town corporate by the name of the town of Dublin, of the county of Pulaski, and by that name shall have and exercise all the right, powers, and privileges conferred, and be subject to the duties, liabilities, and restrictions imposed by law for the government of towns of less than five thousand inhabitants.

And that George C. Moomaw is hereby appointed mayor thereof; and the following six persons are hereby appointed councilmen thereof—namely: O. E. Jordan, A. M. Smith, J. H. Cecil, Walter Crockett, James H. Darst, and W. W. Hawkins, and the said mayor and councilmen shall have and exercise all the powers conferred upon them by the laws of this State, and the powers hereinafter granted of said officers, and shall remain in office until their successors shall have been elected and have qualified according to law; a majority of said councilmen shall form a quorum for the transaction of business.

2. The said mayor and councilmen shall be elected biennially on the second Tuesday in June, and enter upon their duties the first day of

September after their election, the first election to be held on the second Tuesday in June, nineteen hundred and six, by the electors of said town of Dublin qualified to vote for members of the general assembly according to the general election laws of the Commonwealth. The persons designated as officers under the provisions of this act shall hold said offices until their successors have been elected and qualified.

3. The mayor of said town is hereby invested and clothed with all the powers and authority of a justice in civil matters within the corporate limits of the town, and in criminal matters within said limits and one mile beyond the same, and clothed with all the powers conferred upon the mayor of towns under and by the general laws of the State of Virginia. He shall exercise in addition to the other powers conferred upon him a constant supervision over the conduct of all subordinate officers, and together with the council of said town, have power and authority to investigate their acts, have access to all books and documents in their office, and examine such officers and their subordinates on oath. In case of the suspension of any of the officers of said town by the council thereof, as provided in section one thousand and thirty-one of the Code of Virginia, the mayor shall appoint some other person in his place to hold said office and perform the duties thereof until the next regular meeting of the council, and at such meeting the council may elect the successor to such suspended officer or officers, or take such action in the premises as they deem best.

4. The council of the town may be convened at any time upon the call, in writing, of the mayor, or any three members thereof.

5. In addition to the State tax on any license, the council of the town may, when anything for which a license is so required is to be done within the town, impose a tax for the privilege of doing the same, and require a license to be obtained therefor; and in any case in which they see fit, require from the person licensed bond, with sureties, in such penalty and with such condition as they may deem proper, or make other regulations concerning the same. They may also impose a tax and require a license to be obtained for the privilege of keeping in the city or town for hire any wheeled carriage.

6. The said council, whenever authorized to do so by a majority of the legalized voters of said town, may borrow money to the extent prescribed by the Constitution and laws of the State of Virginia, for the uses and purposes of said town, by issuing bonds of the said town and selling the same for the purpose of raising such money.

7. For the execution of their powers and duties, the council of the town of Dublin shall have the power to raise, annually, by taxes and assessments, in said town, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient in accordance with the Constitution and laws of this State and the United States.

8. The council shall annually order a levy upon all male persons within said town over twenty-one years of age, and on all real estate within said town not exempt by law from State taxation, and on all personal property and other subjects as may at the time be subject to taxation by this

charter and the laws of this State: provided, however, that the tax on persons shall not exceed one dollar, and the tax levied for general purposes shall in no year exceed one dollar on the hundred dollars' worth of property, real and personal, and this maximum rate of taxation shall not be increased except by amendment to this charter.

9. The town council as herein appointed or as hereafter may be elected, shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town and of property, real and personal, belonging to said town, and make such ordinances, orders, and by-laws relating to the same as they shall deem proper and necessary; they shall likewise have power to make such ordinances, orders, by-laws, and regulations not inconsistent nor in conflict with the laws of this State or the United States, as they shall deem necessary to carry out the powers which are hereby vested in them; they may establish, enlarge, and operate a system of water works within or without the limits of said town; contract or agree with the owners of any land for the use and purchase thereof, or to have the same condemned according to law, within or without the town, for the location, extension, or enlargement of said works, the pipes or any other appurtenances or fixture thereof, and shall have power to protect from injury, by ordinances prescribing adequate penalties, the works, pipes, fixtures, and land, or anything connected therewith as prescribed by law.

Second. To close or extend, widen or narrow, straighten, lay out, graduate, curb and pave, and otherwise improve the streets, sidewalks, and public alleys in the town, and have them kept in good order and properly lighted.

10. An emergency having arisen, and it being necessary to incorporate speedily the town of Dublin, this act shall take effect from its passage.

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CHAP. 207.—An ACT to prohibit the use of "drag boxes," tubs, sacks, or other receptacles for the collecting and taking oysters from the natural oyster rocks or beds of this Commonwealth, when in the use of the same they are dragged or drawn over the said natural rocks or beds, and prescribing a penalty for its violation.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to use, in collecting and taking oysters from the natural oyster rocks or beds of this Commonwealth, any "drag box," tub, sack, or other receptacle for oysters so collected or taken, which in the use or moving of are dragged or drawn over the surface of the said natural rocks or beds.

2. The possession by any person of a "drag box" on the natural oyster rocks or beds of this Commonwealth shall be prima facie evidence of its use.

3. Any person violating any of the provisions of this act shall, upon conviction thereof, be fined not less than five nor more than twenty dollars for each offense.

4. An emergency existing—the great destruction of oysters, they being crushed or buried by these devices—this act shall be in force from its passage.

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CHAP. 208.—An ACT to amend and re-enact sections 9 and 11 of an act approved February 28, 1896, entitled "an act to provide a new charter for the city of Roanoke," in relation to the appointment of certain municipal officers.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That sections nine and eleven of an act approved February twenty-eight, eighteen hundred and ninety-six, entitled "an act to provide a new charter for the city of Roanoke," in relation to the appointment and qualification of certain municipal officers, be amended and re-enacted so as to read as follows:

§9. The city council shall elect a city engineer, a city clerk, a police justice, a city collector, a collector of city taxes, etcetera, and a clerk of city markets; and the city council shall elect such other officers as it may deem expedient for the proper conduct of the affairs of the city, and in the execution of the powers hereinafter conferred upon it, all of whom shall be appointed by it at such times and shall hold office for such terms as may be fixed by the ordinances of the city, and their respective duties and compensations shall be fixed by said ordinances; and the city council may at any time for good cause abolish any municipal office whether the term of office of the incumbent has expired or not.

§11. No person shall be eligible to any municipal office in said city, except that of city engineer (and if the council shall so provide, city surveyor and city electrician), unless he shall be a resident of said city, but any person may be elected to the office of city engineer (and if the council shall so provide to the office of surveyor and city electrician), who, in the judgment of said council, may possess the requisite qualifications. The removal from the city of any person holding any municipal office shall vacate said office.

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CHAP. 209.—An ACT to prescribe the time in which allowances made by order of any circuit or corporation court shall be presented to the auditor of public accounts for payment.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That all allowances made by order of any circuit or corporation court, unless presented to the auditor of public accounts for payment within two years from the date of allowance, shall not be paid out of the treasury.

CHAP. 210.—An ACT to amend and re-enact an act entitled an act to prohibit keeping or exhibiting, or being concerned in interest in keeping or exhibiting, any slot machine or device that operates in the nickel in the slot principle, in operating which the element of chance enters in, approved March 28, 1903.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to prohibit keeping or exhibiting, or being concerned in interest in keeping or exhibiting, any slot machine or device that operates on the nickel-in-the-slot principle, in operating which the element of chance enters in, approved March twenty-eighth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§1. That if any person keep or exhibit, or be concerned in interest in keeping or exhibiting, any slot machine of any description into which are dropped pennies or nickels or coins of any other denominations, or other device that operates on the nickel-in-the-slot principle, in the operating of which said machine or device the element of chance enters in, or permit such machine or device to be kept or exhibited in his place of business, or any other place in this State; and the possession of the aforesaid machine or device shall be prima facie evidence of the use thereof; and upon conviction for either offense he shall be confined in jail not less than fifteen days nor more than sixty days and fined not less than one hundred nor more than five hundred dollars, and said machine or device shall be deemed gaming apparatus, and shall be embraced within the provisions of sections three thousand nine hundred and fifty-two, three thousand nine hundred and fifty-three, and three thousand nine hundred and fifty-four of the Code of Virginia, eighteen hundred and eighty-seven, and acts amendatory thereto in so far as said sections and acts amendatory thereof relate to gaming apparatus: provided, that this act shall not apply to any slot machine or device that operates on the nickel-in-the-slot principle, in the operation of which said machine the element of chance does not enter, and which is used exclusively for any of the following purposes—to-wit: For conducting a pay telephone, for musical, weighing, or other similar purposes, or for disposing of cigars in which one or more cigars are sold with each nickel deposited in the slot machine or device that operates on the nickel-in-the-slot principle, or for the disposing of chewing gum or articles of merchandise other than cigarettes and intoxicating liquors.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

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CHAP. 211.—An ACT to establish and maintain a system of public high schools and to appropriate money therefor.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for any district school board or districts school boards to establish and maintain a public high school at such place as may be both most

convenient for the pupils who attend and most conducive to the purposes of such school: provided, that the high school may be conducted either in a suitable building provided for that purpose, or in the same building with one of the graded schools of the district, in which said high school is established, but no State funds shall be appropriated under this act for high school purposes until provision has been made to maintain, for a term of at least five months in each year, the primary and grammar schools of the district or districts establishing said high school in such county or counties.

2. Two or more districts in the same or adjoining counties may unite in establishing and maintaining a joint high school under the provisions of this act, and under such rules and regulations as may be prescribed by the State board of education; and the said board shall also prescribe the requirements for admission to such high school and the conditions on which properly prepared pupils residing in other districts may attend said high school.

3. The superintendent or superintendents of any division in which such high school shall be established shall give due notice of the same to the State board of education, and before any State funds shall be appropriated for the support of such school, the said board shall cause the same to be inspected by a competent person, to see that suitable arrangements have been made to enable the school to conform to such standard as may be prescribed by the State board of education for regularly organized public high schools in this Commonwealth; and when the district school board or district school boards shall appropriate annually as much as two hundred and fifty dollars for the support of such high school from the local school funds under the restrictions named in the first section of this act, or from funds privately subscribed for this purpose, and this fact shall have been duly certified to the State board of education by the superintendent of the division in which such high school is established, then the State board of education shall issue annually a warrant on the second auditor for two hundred and fifty dollars (\$250), except as hereinafter provided, in favor of the treasurer of the county in which such high school is located, which money shall be placed to the credit of the high school fund of the district in which such high school is located and paid on the warrant of the district school board exclusively for the support of said high school. The treasurer of each county in which such high school is located shall keep such funds separate and distinct from other public school funds, and shall make a detailed report of receipts and disbursements of said high school fund to the division superintendent of schools at the same time that he makes the annual report of his settlement with the county school board: provided, that not more than one high school in any school district shall have the benefit of the appropriation of State funds provided for in this act, unless in the judgment of the State board of education the area and school population of a district may justify the establishment of more than one high school therein.

4. The sum of fifty thousand dollars (\$50,000) is hereby appropriated annually for the purposes of this act, to be paid out of any money in the State treasury not otherwise appropriated, which amount, or so much

thereof as shall be necessary, upon the itemized statement of the State board of education, duly certified and filed with the auditor of public accounts, shall be turned over by the auditor of public accounts to the second auditor, and shall be placed to the credit of the literary fund, and shall be used exclusively for the support of public high schools, established and maintained in accordance with the provisions in this act: provided, that if any district school board, or district school boards, shall appropriate a larger amount the State board of education shall issue annually a warrant equal to the amount appropriated by said district school board, or district school boards, but said warrant issued by said State board of education shall not exceed four hundred dollars (\$400.00) for any one high school in any one year: provided, also, that the State board of education shall have the power to fix such rules and regulations as are necessary for the proper distribution of this fund.

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CHAP. 212.—An ACT to empower boards of supervisors to enact special and local legislation to protect the public roads and bridges from obstruction, encroachment, and injury, to make violations of such enactments a misdemeanor, and providing penalties.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and thirty-four h, be amended and re-enacted to read as follows:

§834h. The boards of supervisors of the several counties of the Commonwealth shall have power to enact such special and local legislation in their respective counties not in conflict with the Constitution and the general laws of the Commonwealth as they may deem expedient to protect the public roads, ways, and bridges of such county from encroachment or obstruction or from any improper or exceptionally injurious use thereof.

Any violation of such enactments shall be deemed a misdemeanor, and shall be punishable by fine of not less than five dollars nor more than one hundred dollars for each offense.

Public notice of such legislation by the board of supervisors shall be given by posting a copy of such enactment at each voting precinct in the county, and on the front door of the courthouse not less than ten days before it is to go into effect or by publishing a copy thereof at least once in a newspaper published in the county not less than ten days before it is to go into effect.

2. An emergency existing in that roads are now being injured and obstructed by misuse, this act shall be in force from its passage.

CHAP. 213.—An ACT to amend and re-enact section 108 of the Code of Virginia as amended by an act approved March 7, 1884, as amended by an act approved May 20, 1903, as amended by an act approved December 18, 1903, so as to authorize county, city, and district officers who are appointed to fill vacancies, to qualify in the same manner as if elected by the people.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That section one hundred and eight of the Code of Virginia, as amended by an act approved March seventh, eighteen hundred and eighty-four, as amended by an act approved May twentieth, nineteen hundred and three, as amended by an act approved December eighteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§108. All officers appointed under the two preceding sections to fill vacancies, shall, within thirty days after their appointment, qualify and give bond before the court or judge making the appointment, or before the clerk of the court having authority to make such appointment, in like manner as is provided by section eight hundred and twelve for the qualification of such officers when elected by the people.

2. An emergency exists because of the inconveniences and delays heretofore existing, and therefore this act shall be in force from its passage.

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CHAP. 214.—An ACT to authorize the purchase of linoleum for the floors of the museum and basement rooms in the capitol building, and furniture, floor coverings, and metal file cases for the register of the land office, the superintendent of public instruction, and the State library, offices of the commissioner of agriculture, and to appropriate a sum sufficient to pay therefor.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That there be, and the same is hereby, appropriated out of any money in the treasury, not otherwise appropriated, for the following purposes, the respective amounts named or so much thereof as may be necessary:

For purchasing linoleum for the floors of the museum and basement rooms of the capitol building, one thousand four hundred and forty-six yards, one thousand nine hundred and fifty dollars.

For purchasing furniture and floor coverings for the State library, two thousand dollars.

For purchasing furniture, floor coverings, and metal file cases for the department of public instruction, three thousand five hundred dollars.

For purchasing furniture and metal file cases for rooms of register of land office, four thousand one hundred dollars.

For purchasing furniture, steel cases, etcetera, for agriculture department, two thousand six hundred and fifty dollars.

The register of land office, the superintendent of public instruction, and commissioner of agriculture are hereby authorized to purchase the linoleum for museum and basement floors above named; and the register



of the land office, the superintendent of public instruction, and the commissioner of agriculture are authorized to expend, respectively, the above amounts for the purposes named. But no part of the sums hereby appropriated shall be paid out till the bill for each purchase has been audited and approved by the heads of the respective departments and of the commission that purchased the same.

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CHAP. 215.—An ACT to authorize the school board of the town of Franklin district, in Southampton county, Virginia, to borrow money and to execute bonds, secured by a deed of trust for said bonds.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of the town of Franklin district, Southampton county, Virginia, be, and the same is hereby, authorized and empowered to borrow a sum of money not exceeding ten thousand dollars (\$10,000.00), to be used in the construction and equipment of a public school building in the said town.

2. And the school board may execute its bonds for said loan, and secure the payment of the same by a deed of trust on said building and equipment, and the public school lot upon which the same may be located in the said town, the said bonds and deed of trust to be executed in the name of said board by its chairman, and attested by its clerk: and provided, further, that such bonds shall not be sold below par.

3. On account of the necessity for the immediate use of a large school building, this act is declared an emergency act, and shall be in force from its passage.

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CHAP. 216.—An ACT to amend and re-enact an act entitled "an act to amend and combine chapter 19 of the Code of Virginia, as amended, as to section 277, of said chapter, by an act approved January 15, 1890, and by an act approved January 16, 1892, and further amended by act approved May 13, 1903, and chapter 377 of the acts of assembly, extra session, 1887, entitled 'an act to amend and consolidate into one act the laws relating to the public printing and binding, and defining the duties of the superintendent of public printing, and to repeal chapter 185 of the acts of assembly, 1879-1880,' approved May 23, 1887, as amended, as to section ten of said act by act approved March 5, 1888, and by act approved February 5, 1892, and as amended as to section 11 of said act, by act approved February 24, 1890, and by act approved February 9, 1894, and to consolidate and re-enact the same into chapter 19 of the Code of Virginia, and to repeal all acts and parts of acts in conflict therewith," approved December 31, 1903, as amended by an act entitled "an act to amend and re-enact section 273 of the Code of Virginia, in relation to the duties of the superintendent of public printing," approved March 15, 1904.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That chapter nineteen of the Code of Virginia, as amended, as to section two hundred and seventy-seven of said chapter, by an act approved January fifteenth.

eighteen hundred and ninety, and by act approved January sixteenth, eighteen hundred and ninety-two, and further amended by act approved May thirteenth, nineteen hundred and three, that chapter three hundred and seventy-seven of the acts of assembly, extra session, eighteen hundred and eighty-seven, entitled "an act to amend and consolidate into one act the laws relating to the public printing and binding, and defining the duties of the superintendent of public printing, and to repeal chapter one hundred and eighty-five of the acts of assembly eighteen hundred and seventy-nine and eighteen hundred and eighty, approved May twenty-third, eighteen hundred and eighty-seven, as amended, as to section ten of said act by act approved March fifth, eighteen hundred and eighty-eight, by act approved February fifth, eighteen hundred and ninety-two, and as amended as to section eleven of said act, by act approved February twenty-fourth, eighteen hundred and ninety, and by act approved February nine, eighteen hundred and ninety-four, as amended by act approved December thirty-one, nineteen hundred and three, and as further amended by an act entitled "an act to amend and re-enact section two hundred and seventy-three of the Code of Virginia, in relation to the duties of the superintendent of public printing," approved March fifteen, nineteen hundred and four, be, and the same are hereby, amended, combined, consolidated, and re-enacted into chapter nineteen of the Code of Virginia so as to read as follows:

*Chapter XIX.*

§270. Superintendent to supervise public printing and binding; his responsibility for mechanical execution of State printing.

§271. His oath.

§272. What books he shall keep.

§273. How contracts for printing awarded; appeal from award.

§274. How contracts for paper awarded; appeal from award.

§275. To supply officer with stationery, and soforth, and publish proclamations, advertisements, and soforth.

§276. Printing and binding done for senate and house.

§277. Printing of journals for senate and house.

§278. How bills, joint resolutions, and soforth, printed.

§279. Acts of assembly; printing and distribution.

§280. Printing of annual reports; their distribution.

§281. Reports of the court of appeals.

§282. If printing not done satisfactorily, superintendent to employ another.

§283. Report of superintendent.

§284. Committee on printing.

§285. Assistant to superintendent.

§270. Superintendent to supervise public printing and binding; his responsibility for mechanical execution of State printing.—The public printing and binding for the Commonwealth shall be under the supervision and control of the superintendent of public printing, whose duties shall be as herein prescribed, or as may be hereafter prescribed by law.

The superintendent of public printing shall be held responsible for the proper mechanical execution of the State printing.

§271. His oath.—Before entering upon the discharge of his duties he shall, in addition to the oaths required to be taken by other officers of the Commonwealth, take an oath that he is a practical printer, and is skilled in and acquainted with the details of the printing business; that he will not in any manner, directly or indirectly, be interested in the contracts for the printing, binding, ruling, advertising, lithographing, engraving, and soforth, let out by him, nor in any contract for paper or stationery purchased for the use of the State, and that he will not participate in the profits arising from the same. If he in any manner, directly or indirectly, violate the provisions of this section, by being interested in any such contract, he shall be deemed guilty of a misdemeanor, and shall be prosecuted therefor; and if convicted, shall be fined not less than five hundred nor more than one thousand dollars, and shall be confined in jail not less than six months nor more than twelve months.

§272. What books he shall keep.—He shall keep the following books: A letter book, in which he shall keep his official correspondence; a record book, in which he shall enter in brief all accounts allowed by him for paper, printing, binding, ruling, lithographing, engraving, advertising, postage, drayage, expressage, and soforth, and in which he shall record all his official transactions; an order book, in which he shall enter each order for printing, binding, ruling, lithographing, engraving, and soforth, received by him from any department or officer of the State, with a brief description of the work, the date on which it was received, when and to what contractor delivered, and the kind and quantity of paper furnished therefor; a contract book, in which he shall record all contracts and bonds; receipt books, in which he shall enter all paper delivered to contractors, and take their receipt therefor; a schedule book, exhibiting in detail the cost of all printing, binding, ruling, advertising, postage, drayage, expressage, lithographing, engraving, and soforth, executed for each department or officer, and the quantity, cost per ream, and value of all paper used; which books shall at all times be open to the inspection of the governor, auditor of public accounts, secretary of the Commonwealth, or any member of the general assembly.

§273. How contracts for printing awarded; appeal from award.—He shall, prior to the beginning of each fiscal year, let out to the lowest responsible bidder, experience and facilities possessed at the time of bidding considered, all the printing, binding, ruling, lithographing, and engraving required by any department of the State, and authorized by law to be done, or required in the execution of any law, and shall give notice of the time and place of letting said work by advertisements published every other day for two weeks in one newspaper of general circulation published in the city of Richmond, and in not less than two other newspapers of general circulation published in other cities of the Commonwealth, reserving in said advertisements the right to reject any or all bids, and shall furnish all bidders, on application, with printed schedules on which to bid, specifying in detail the items required in the execution of the said work; which bids shall be opened at the time and place

named in the advertisements in the presence of such bidders as see fit to attend. He may let out the work to different persons, and in such lots or portions as he may deem proper.

He shall also fix the time for the delivery of such work as to him may seem reasonable. In every case he shall require the party undertaking to do the work, or any part of it, to enter into a written contract, stating distinctly the terms of the same, embracing the prices to be paid for composition, press work, folding, stitching, ruling, binding, and all other items in detail; always providing in contracts for printing that the printing is to be executed in a close and compact form, without unnecessary title pages, or useless blank pages; he shall provide in such contracts that, in case the work so contracted for be not completed within the time specified therein, he shall deduct and retain from such contract price such per centum thereof for each day or week that such work is delayed, as he may deem proper, and shall require the person or persons making such contract to enter into a bond with security in a penalty of at least double the amount contracted to be paid for the work, and conditioned for the faithful performance and execution of such contracts; the security shall be approved by the secretary of the Commonwealth, and the form of bond by the attorney-general. All such contracts and bonds shall be recorded in the contract book kept by the superintendent of public printing for that purpose, and the original bond shall be filed in the office of the secretary of the Commonwealth. Any bidder feeling himself aggrieved by an award made by the superintendent of public printing may, during the session of the general assembly, appeal to the joint committee on printing, or, in vacation, to a board composed of the governor, auditor of public accounts, and secretary of the Commonwealth, which shall hear and determine the matters in said appeal, but notice of such appeal must be given the superintendent of public printing, in writing, within ten days from the date of the award appealed from. Any person or persons, contractor or contractors, who shall enter into a contract for work for the State where a bond is required, shall furnish said bond with surety or sureties, who are not either directly or indirectly interested in any contract with the State.

§274. How contracts for paper awarded; appeal from award.—He shall purchase from the lowest responsible bidder, quality and price considered, after like advertisement as that prescribed in section two hundred and seventy-three, the paper required for the printing and binding let out by him, and may purchase the same at such times and in such quantities as he may deem proper, and furnish the same to the contractors for the printing, binding, and ruling as it may be needed. The accounts for the purchase of paper, certified by him to be correct, shall be presented to the auditor of public accounts, who shall grant a warrant therefor on the treasury. All contracts in relation to said paper shall be subject to and regulated by the provisions of the preceding section in relation to the contracts for public printing, and all appeals from decisions of the superintendent of public printing shall be heard and determined as are appeals in relation to the public printing and binding.

§275. To supply officers with stationery, and soforth, and publish

proclamations, advertisements, and soforth.—He shall supply the executive, the auditor of public accounts, the second auditor, treasurer, secretary of the Commonwealth, attorney-general, register of the land office, corporation commission, commissioner of agriculture, superintendent of public printing, with such stationery, printing, lithographing, engraving, ruling and binding as may be required by them in their several departments for the proper conduct of the business of the State: he shall furnish such printing as may be ordered by either house, and shall also cause to be published in such papers as may be ordered, proclamations and advertisements for the officers and departments enumerated above. All orders for printing, binding, ruling, lithographing, engraving, and advertising, required by any department or officer shall be made upon requisition upon the superintendent of public printing, stating clearly and distinctly the description of the work, the quantity wanted, and the time delivery is desired, and the superintendent of public printing shall enter the same in the order book required to be kept by section two hundred and seventy-two of this act. The superintendent of public printing shall furnish the various departments and officers with the necessary blank requisitions upon which orders for printing are to be made.

§276. Payment of bills for printing, binding, and soforth.—For all printing and binding done for or by order of the senate or house of delegates, accounts certified by the superintendent of public printing to be correct and according to contract, shall, during the session of the general assembly, be presented to the president of the senate or the speaker of the house of delegates, as the case may be, who shall, if the accounts are found to be correct, certify them to the auditor of public accounts, to be paid by him by warrant on the treasury; and if the general assembly be not in session, then accounts so certified by the superintendent of public printing to be correct and according to contract, shall be presented to the auditor of public accounts, to be paid by him by warrant on the treasury. For all printing, binding, ruling, lithographing, engraving, advertising, wrapping, mailing, freight, postage, expressage, or stationery, or other material, or work done, expended for, or furnished to any department of the government, accounts certified by the superintendent of public printing to be correct and according to contract, shall be presented to the officer for whose department such work is done, expenditure made, or material furnished, who shall, if the accounts are found to be correct, certify the same to the auditor of public accounts, to be paid by him by warrant on the public treasury.

For all other printing, binding, ruling, lithographing, engraving, advertising, wrapping, mailing, freight, postage, expressage, or stationery or other material, for the payment of which no provision is otherwise made, accounts certified by the superintendent of public printing to be correct and according to contract, shall be presented to the auditor of public accounts, and if found to be correct, paid by him by warrant on the treasury.

In determining amounts to be paid for composition under the provisions of this act, nothing shall be allowed or paid for any unnecessary blank page.

§277. Printing of journals for senate and house; their distribution.—The superintendent of public printing shall superintend the execution of all printing done by order of the senate or house of delegates, or their respective clerks, and shall cause to be printed in octavo form five hundred copies each of the journals of the senate and house of delegates, and a like number of each document ordered by either house of the general assembly, two hundred copies of which shall be distributed, from time to time, as they are printed, to the members of the general assembly, and to the heads of departments, one to each, and ten to the clerk of each house, the remaining three hundred copies of journals and documents, with an index thereto, shall be bound in ordinary half-binding, and distributed by the superintendent of public printing, as follows: One copy to each member of the general assembly and to each head of department; five copies to the clerk of each house, fifteen copies to the library, sixty copies shall be disposed of as the executive may direct, and the remainder shall be delivered to the secretary of the Commonwealth to constitute a part of the library fund.

§278. How bills, joint resolutions, and soforth, printed.—He shall cause to be printed in octavo form two hundred and fifty copies of every bill, joint resolution, or other matter ordered to be printed for the use of the senate or house of delegates, and intended for temporary use, and in all fugitive work, such as resolutions, joint resolutions, house or senate bills, making more than one page, there shall not be allowed on the first page thereof between the folio line and the heading “a bill,” or “resolution,” or “joint resolution,” a space in excess of one-half inch. And in all book or pamphlet printing, except bills, there shall not be allowed thicker leads than six-to-pica. In bills and resolutions the space between the lines shall not be greater than small pica slugs; where the title to a “bill” or “resolution” or “joint resolution” is more than one line, the spacing between lines in said title shall not be greater than six-to-pica leads.

§279. Acts of assembly; printing and distribution.—He shall cause to be printed in octavo form, as soon as approved by the governor, five thousand five hundred copies of the acts and joint resolutions of the general assembly, and shall distribute them as follows: Two copies to each member of the general assembly, and five copies to the clerk of each house, one copy to each head of department, judge of this State, and the Commonwealth's attorney; one to each clerk of the corporation courts in this State, and one to the clerk of the circuit court of each county and corporation, and five copies to the corporation commission, from time to time, as they are printed; the remainder he shall have bound in ordinary half binding, with the index and tables required by law to be printed with the acts and joint resolutions of the general assembly, and as soon as practicable after the end of each session he shall deliver one copy to each head of department, and forward by mail or express, or otherwise, five copies to each member of the general assembly, to every judge two copies, corporation commission five copies, and one copy to each mayor, clerk of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, commissioner of the revenue, justice of the peace, supervisor,

and division superintendent of schools; one copy to every judge and clerk of any court held in this State under the laws of the United States, and to each attorney and marshal in this State holding office under the United States; five copies to the general library, five copies to the law library, one copy to the university, and to each college in the State, one to the board of directors of each State hospital; one to the school for the deaf and blind, one to the Virginia military institute, ten copies to the clerk of the senate for the use of the senate, fifteen copies to the clerk of the house of delegates for the use of the house. The copies remaining after the distribution above provided for he shall deliver to the secretary of the Commonwealth to constitute a part of the library fund.

§280. Printing of annual reports; their distribution.—It shall be the duty of the department chiefs and heads of institutions of the Commonwealth to furnish their annual reports to the officer to whom they are required to be made on or before the twentieth day of October of each year, who shall forthwith deliver them to the superintendent of public printing, whose duty it shall be to have them printed in accordance with section two hundred and seventy-three of this chapter and ready for distribution on the first Wednesday in January following.

He shall have printed in octavo form five hundred copies of each report, three hundred copies of which shall be bound in one volume, in ordinary half-binding, and distributed as follows: One copy to each member of the general assembly, one copy to each institution and head of department, twelve copies to the library, ten copies to the clerk of the senate for the use of the senate, and ten copies to the clerk of the house of delegates for the use of the house, sixty copies shall be disposed of as the executive may direct, and the remainder shall be delivered to the secretary of the Commonwealth, and constitute a part of the library fund; the remaining two hundred copies of said reports shall be bound separately, in ordinary pamphlet binding with paper covers, and delivered to the various departments making such reports. A like number of the reports of the corporation commission, including the reports of railroad companies made to them, and the report of the superintendent of public instruction, shall be printed in the same manner, but bound in separate volumes, in ordinary half-binding, three hundred copies of which shall be distributed as the other reports, and the remaining two hundred delivered to the department making the report: provided, that the report of the secretary of the Commonwealth shall be printed and bound in a separate volume, in ordinary half-binding, or as the secretary may direct, and delivered to said secretary. In the printing of the reports provided for in this section, as in all classes of the State work, the officer preparing the report or other documents shall in all cases be responsible for the matter contained therein.

The department chiefs and heads of institutions shall carefully edit all copy for such reports or documents and eliminate all unnecessary matter and matter that contains no information; and it shall be the duty of the superintendent of public printing in making his contracts for the printing of the reports referred to in this section, to provide that the contractor shall print such additional copies of the said reports as may be

desired by the institutions or officers making the reports, at such prices as may be agreed between the superintendent and contractor; the accounts for the same, when approved by the superintendent, shall be paid by the department or institution ordering said extra printing.

§281. Reports of the court of appeals; printing and binding.—When notified by the reporter for the supreme court of appeals that he has sufficient copy to issue a volume of the Virginia reports, the superintendent of public printing shall advertise for bids for doing the work, as provided in section two hundred and seventy-three of this act, and when he contracts for the printing and binding of current and future volumes of Virginia reports of the supreme court of appeals, he shall contract for the printing of so many copies of said volume or volumes, as the secretary of the Commonwealth shall designate, not exceeding two thousand of each volume, and shall contract for the binding of such number of such volume or volumes as the secretary of the Commonwealth shall designate, and for the delivery of the residue of such unbound copies of said reports in sheets, boxed, and labeled, as the said secretary of the Commonwealth may direct; and, from time to time, he shall contract for the binding of such unbound volumes by the direction of the secretary of the Commonwealth.

In contracting for the printing and binding of said reports he shall conform to the provisions of section two hundred and seventy-three of this chapter in relation to other printing and binding, except that it shall be expressly stipulated in said contract that no payment for composition, press work, or binding shall be made until the whole has been completed and accepted.

§282. If printing not done satisfactorily, superintendent to employ another.—If any officer or department report to the superintendent any failure in the prompt and satisfactory execution of the printing, binding, ruling, engraving, or lithographing, required by said officer or department, and in any case in which the superintendent is satisfied that the contractor has failed to comply with the stipulations of his contract, it shall be the duty of the superintendent to employ some other person to do the work, and he shall bring an action upon the bond of the defaulting contractor for any loss which may be sustained by the State in consequence of such default as soon as the same can be ascertained.

§283. Report of the superintendent of public printing.—The superintendent of public printing shall make an annual report to the governor, showing the cost of all printing, binding, ruling, lithographing, engraving, advertising, postage, drayage, and expressage done for each department of the government, and the cost of all paper and stationery used; also the cost of all stationery and paper purchased during the fiscal year, and the cost of that remaining on hand at the close of said fiscal year, and of the aggregate amount expended during the fiscal year on account of the public printing.

§284. Committee on printing.—The joint standing committee on printing of the two houses of the general assembly shall have authority to supervise and give directions in all that relates to the public printing and binding, and all other subjects embraced in this act, and it shall be the



duty of the said committee to examine the books of the office, and investigate the transactions of the superintendent of public printing, and make a report to the general assembly at each regular session, and at such other times as the committee deems proper.

§285. Assistant to superintendent.—The superintendent of public printing shall have the authority to employ an assistant at such salary as may be provided by law. The auditor of public accounts is hereby authorized to issue his warrant monthly on the treasurer, upon the certificate of the superintendent of public printing, for the payment of said assistant.

Nothing in this act shall be construed as impairing any existing contracts.

2. Provided, however, that the provisions of this act shall not apply to printing for the department of agriculture.

3. All other acts or parts of acts in conflict with this act are hereby repealed.

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CHAP. 217.—An ACT to amend and re-enact an act entitled "an act to create a road board for the county of Fauquier, and to provide for the working of the roads of said county," approved March 8, 1904.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to create a road board for the county of Fauquier, and to provide for the working of said roads of said county," approved March eight, nineteen hundred and four, be amended and re-enacted as follows:

§1. That there is hereby created a board, to be known as "the Fauquier county road board." The said board shall consist of one member from each magisterial district, to be appointed, as soon as practicable after this act shall become a law, by the judge of the circuit court for a period of two years from the date of appointment.

§2. The said board shall have the control, supervision, and management over all the roads and bridges of the county, and shall have the authority, and it shall be its duty, to direct the improvement of the same in such manner as shall seem to them practicable and best for the interests of the travelling community.

§3. The said board shall within thirty days after this act shall become a law, and for every two years thereafter, choose a county superintendent of roads, and recommend him for appointment to the judge of the circuit court of the county of Fauquier, who shall, in term time or in vacation, appoint the said nominee (who shall be either a civil engineer or a person well versed in road building) as said county superintendent for a period of two years; and the said county board may appoint a deputy or deputies for said superintendent, upon his request or at their discretion, for such times as it may direct, but not exceeding the term of the superintendent. And said board shall have authority to employ such other agents as it may deem necessary, and shall have full power to direct the purchase of machinery, teams, supplies, and materials, and

perform all other acts to carry out the spirit of this act. It may make all necessary contracts, and shall require proper bonds from all agents and contractors for the faithful performance of their duties. The said circuit court may remove the said county superintendent from office, upon application of the said road board, and may fill any vacancy in said office, by the appointment of the nominee recommended for such position by the county board. The said county board shall fix the compensation of the county superintendent and his deputies, and of all agents or contractors created by them under and by virtue of this act.

The said board shall have power to sue and be sued, and suits for and against said board shall be in the name of "the Fauquier county road board," but no member of said board shall in any manner be personally liable for any recovery against the said board.

§4. The board of supervisors of Fauquier county shall in each year provide and create a general road fund for building, working, and repairing the public roads in said county, and out of said fund they shall set apart and apportion one-half thereof as a permanent road fund, which shall be expended by the county road board only towards the permanent improvement of the public roads in said county in accordance with the provisions of this act, and the said board of supervisors shall set apart and apportion the other one-half of said fund for the working and repairing of said roads, which fund shall be expended by the district road board, hereinafter provided for, only towards the working and repairing of the public roads in said county in accordance with the provisions of this act. But the said county road board and the said district road board shall each expend the fund so provided in the magisterial districts in the proportion to the amount contributed by each district under the levies made by the board of supervisors, and said county board and said district board shall each annually settle an account of their receipts and disbursements before the board of supervisors of said county.

§5. The member of the said county road board and the member of the board of supervisors from each magisterial district, together with the county superintendent, shall constitute a district road board for such magisterial district, which board shall have the immediate control of the work done or performed on the roads of the respective districts, subject, however, to supervision and direction by the said board for the county.

§6. The board of supervisors for said county shall have the authority to appropriate to the general road fund provided for by this act, and the general road law for the State, any balance that remains at the end of any fiscal year to the credit of the county fund or levy, upon the application of the county road board.

§7. Bonds may be issued by the county of Fauquier for the purpose of macadamizing or otherwise permanently improving the roads of the said county or building bridges therein. The circuit court of said county may, upon the petition of a majority of the said county road board, make an order requiring the judges of election at the next general election of the said county or district officers, or at any other time not less than thirty days from the date of said order, which shall be designated therein, to

open the poll and take the sense of the qualified voters on the question, whether there shall be issued bonds by the board of supervisors of said county, to be expended in macadamizing or permanently improving, or building the roads of said county. The said election shall be held in accordance with the conditions and requirements of the general road law for the State; and the bonds, if it shall appear by the report of the commissioner of election that a majority of the qualified voters of the county, including a majority of the freeholders voting upon the question, are in favor of issuing the bonds for the purpose aforesaid, the circuit court shall at its next term after such election, enter of record an order requiring the supervisors of the county to proceed, at their next meeting, to comply with the provisions of the general road law for the issuance of said bonds.

§8. Said bonds when issued shall be delivered to the treasurer of the county, who shall place the proceeds of the sale thereof to the credit of the county road fund; and the said treasurer shall be liable for the amount received for said bonds as though it were a county levy. The said fund shall be expended upon the warrant or order of the said county road board for the purpose for which it was created. The said treasurer shall receive as compensation for his services hereunder a commission of one-fourth of one per centum on the amount thus coming into his hands.

§9. The amount of bonds issued under this act shall not exceed the sum, the interest upon which at the rate fixed by the board of supervisors of the county, shall require the imposition of an annual tax of twenty cents on the one hundred dollars. All moneys which shall belong to the general road fund of the county under the provisions of this act, or of the general road law of the State, shall be paid by the order of the county road board upon the treasurer of the county.

§10. No member of said board, or other public officer, or any officer created by this act, shall have any interest in any work done under the provisions of said act.

§11. The members of the said county road board hereby created and the superintendent of roads and his deputies shall qualify by taking the usual oath for the faithful performance of their duties, and the said members of the said road board shall be paid out of the road fund two dollars per day when in attendance on the board.

§12. The said road board may employ a clerk at a salary of not more than fifty dollars per annum.

§13. The governor shall have authority to furnish to the county of Fauquier, upon the requisition of the said county road board, convicts whose terms of service at the time of application for them does not exceed five years, in conformity with chapter two hundred and two, title fifty-five, of the Code of Virginia, for eighteen hundred and eighty-seven, to work on the county roads under such regulations as the said county road board may prescribe in conformity with said chapter, and on such conditions as to safe-keeping as the governor and said board may agree upon.

§14. All acts and parts of acts inconsistent with this act are hereby repealed; and all parts of the general road law for the State not inconsistent with this act are hereby enacted as part and parcel of this act.

CHAP. 218.—An ACT to amend and re-enact sections 288-299 of the Code of Virginia, in relation to the superintendent of public buildings, etc., and to repeal an act approved January 30, 1900, entitled "an act to prescribe the duties of the register of land office, and fix his salary," approved December 14, 1903.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact sections two hundred and eighty-eight and two hundred and ninety-nine of the Code of Virginia, in relation to superintendent of public buildings, etcetera, and to repeal an act approved January thirty, nineteen hundred, entitled an act to prescribe the duties of the register of the land office and fix his salary, approved December fourteen, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§288. The register of the land office shall be superintendent of grounds and public buildings, and as such shall have under his care the capitol, the library building, the public grounds, and all other public property at the seat of government not placed in the charge of others, and shall protect the same from depredations and injury: provided, that the old bell-house now used as the State arsenal shall be under the control of the adjutant-general as long as it is used as such. The superintendent of grounds and buildings shall be subject to the control and direction of the governor, and shall, with the approval of the governor, assign vacant rooms in the public buildings to such public officers as the public service may require. He shall discharge and perform such other duties as may be prescribed by law, and shall receive an annual salary, which shall be compensation for his services. The fees of his office allowed by law shall be accounted for and paid into the treasury of the State. He shall have the appointment and control of the following employees, whose salary shall be fixed by law—namely: Six capitol policemen, whose powers and duties are set forth in an act approved February twenty-eight, eighteen hundred and ninety (one of whom shall be clerk to the register of the land office), two conductors of the elevator at the State library building, one for day service and one for night service, three engineers, and three firemen at the new light and heat plant, three janitors at the capitol building, two janitors for the State library building, one policeman at the State library building, two night watchmen at the library building, one for the basement offices of said building and one for the court of appeals and other offices in the building, and one night elevator conductor for the elevator at the capitol, who shall also be night guard at the capitol building, and shall make such rules for the governing and control of his appointees during their term of office: provided, that the firemen at the light and heat plant shall be under the immediate control and supervision of the engineer on duty at the time, but shall be subject to removal by the register of the land office: provided, further, that one of the two watchmen at the library building shall be appointed by and under the immediate supervision of the auditor of public accounts, second auditor, and treasurer, and shall be subject to removal by them.

§299. Control of capitol square.—He shall have control of the capitol square, subject to the orders and approval of the governor, and the expense of keeping the same in order shall be paid by him out of the fund appropriated for that purpose. He shall keep the keys of the capitol and take charge of all the rooms in the capitol and State library building, except the executive chamber, the general library, the corporation commission, the superintendent of public instruction, court of appeals, the secretary of the Commonwealth, the commissioner of agriculture, the clerk's offices of the senate and house of delegates, the enrolling office, and the halls of the senate and house of delegates, and committee rooms of each during the session of the general assembly, when they shall be under the control of each body.

2. Owing to the enlargement of the capitol building, and the building of a heat and light plant, and no provision having been made by law for maintaining and running said heat and light plant, this act to be an emergency act and shall take effect from its passage.

3. All acts or parts of acts in conflict with any of the provisions of this act be, and the same are hereby, repealed.

CHAP. 219.—An ACT to amend and re-enact section 85 of article VI of an act of the general assembly of Virginia, known as the negotiable instruments law, approved March 3, 1898.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That section eighty-five of article six of an act to revise, arrange, and consolidate into one act the laws relating to negotiable instruments, known as the negotiable instruments law, approved March third, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§85. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due or becoming payable on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday.

CHAP. 220.—An ACT to submit to the qualified voters of Red Bank magisterial district, in which the town of Virgilina, in the county of Halifax, Virginia, at a special election to be held therefor, the question of the establishment of a dispensary for the sale of intoxicating liquors therein, and in the event a majority of those voting at said election vote for said dispensary, then further to provide for the establishment and conduct of the same, and to prohibit thereafter within said town the sale, barter or exchange of intoxicating liquors by all persons, firms, or corporations, except as herein provided.

Approved March 14, 1906.

1. Be it enacted by the general assembly of Virginia, That on Saturday, the fourteenth day of April, nineteen hundred and six, there shall be held

within and for the town of Virgilina, at Virgilina, in the county of Halifax, a special election, at which shall be submitted to the qualified voters of the Red Bank magisterial district, in the county of Halifax, in which the town of Virgilina is situated, the question of the establishment of a dispensary at the town of Virgilina, as hereinafter provided, which said election shall be held and the returns thereof made, canvassed, and ascertained as provided by the general election laws of the State, except as modified by this act. The official ballots prepared and used at said election shall contain the words "for dispensary" and the words "against dispensary," and the voter, desiring to vote for the establishment of said dispensary, as provided by this act shall scratch out the words "against dispensary" leaving the words "for dispensary" unscratched; and the voter desiring to vote against the establishment of said dispensary, as provided by this act, shall scratch out the words "for dispensary," leaving the words "against dispensary" unscratched. The certificate of the judges and clerks of said election shall show the number of votes cast "for dispensary" and the number of votes cast "against dispensary," and the judges of election shall certify the results of said election to the judge of the circuit court of the county of Halifax, in vacation, who shall order the same to be entered of record upon the law book of said court. And if at said election a majority of the voters voting thereat shall vote for the establishment of said dispensary, as provided by this act, then that such dispensary shall be and is hereby established, and thereafter it shall be unlawful for any person, firm, or corporation, in any capacity whatsoever, to sell, barter, or exchange any spirituous, vinous, malt, or intoxicating liquors of any kind in the said town of Virgilina on or after fourteenth day of April, nineteen hundred and six, except as hereinafter provided, and any one violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not less than one month nor more than twelve months in the jail of said county of Halifax, or such person may be punished by both fine and imprisonment, as aforesaid, in the discretion of the jury, and the subsequent sections of this act shall be in full force and effect; but if at said election a majority of those voting thereat shall vote against the establishment of said dispensary, as provided by this act, then the same shall not affect the general laws pertaining to the sale of intoxicating liquors. Notice of said special election shall be given by a publication at least once in some paper published in the county of Halifax and by hand-bills posted in the town of Virgilina, and at least ten days before said election, anything in the general laws of the State to the contrary notwithstanding.

For the management of said liquor dispensary, there shall be appointed by the council of the said town a dispensary board, to be composed of three citizens of said town of Virgilina, whose term of office shall continue until the first day of September, nineteen hundred and eight, and afterwards until their successors shall be elected and have qualified. The council of said town shall, between the thirtieth day of June, nineteen hundred and eight, and the first day of September, nineteen hundred and eight, and

during the same period every two years thereafter, elect three citizens of said town, to compose the dispensary board of said town, to go into office the first day of September succeeding their election, and to hold office for the term of two years, and afterwards until their successors shall be elected and have qualified. All vacancies in said dispensary board shall be filled by the council of said town; the same to be filled for unexpired term. The members of said dispensary board shall, before entering upon the duties of their office, make oath that they will well and truly carry out, to the best of their ability, all the provisions of this act. The said council, by a vote of a majority of its legally elected members, shall have the power to remove any member of said dispensary board when, in the judgment of the said council, he has violated his oath, or been guilty of any misfeasance in office. Said dispensary board shall elect one of its members as chairman. It shall be the duty of such chairman to audit and approve all the bills contracted by said dispensary board. The salaries to be paid said chairman and the other two members of the said dispensary board shall be fixed by the said council.

4. It shall be the duty of the said dispensary board to provide a suitable place, within the corporate limits of the said town of Virgilina, for the sale of spirituous, vinous, malt, and other intoxicating liquors, at which place such liquors shall be kept for sale, under the direction of said dispensary board, by a manager, who shall be appointed by said board, and who shall have charge of said dispensary, subject to the control of said dispensary board. Said manager shall be subject to dismissal at the pleasure of said dispensary board; he shall give bond, payable to the said town of Virgilina, in a sum to be fixed by the said dispensary board for the faithful discharge of his duties, and for the payment by him, to the treasurer of said town, of all sums of money which he may receive as manager of such dispensary; and he shall receive a salary to be fixed by said dispensary board.

5. The manager of the said dispensary shall at all times keep, under the supervision of the said dispensary board, a stock of spirituous, vinous, and malt liquors, in such quantities as the said dispensary board shall direct; shall sell and dispense the same for cash only; shall keep a record of the quantity sold, price paid, and date of sale, and shall once a week turn over all moneys received by him to the treasurer of said town, who shall keep a separate account of such fund. All bills incurred for the establishment and maintenance of said dispensary and the purchase of stock from time to time shall be paid by the treasurer of said town, upon the presentation of said bills approved in writing by the chairman of said dispensary board. The price at which the liquors in said dispensary shall be sold shall be fixed by said dispensary board.

6. Said dispensary board shall, from time to time, make rules and regulations for the operation of said dispensary; but in no event shall any liquor be sold to minors, or to persons intoxicated; nor shall any liquor be sold to any person known to be an habitual drunkard, except upon the prescription of a regularly licensed physician. The dispensary shall not be opened before sunrise, and shall be closed at sunset each day. It shall be closed on Sundays and on all other days on which the sale of liquor by licensed saloons is prohibited by the laws of the State of Virginia.

7. The manager of said dispensary shall sell to no person any spirituous, vinous, or malt liquors except in sealed packages, and whenever any original package is broken, it shall at once be bottled and sealed and the price labeled thereon. The said board shall employ some reliable person to assist said manager whenever it shall become necessary. The said manager shall at no time keep, or allow to be kept, any broken or unsealed packages of liquor in said dispensary, or in the building in which the same is located, either for his own use or any other person or persons. The quantity of liquor sold in said dispensary shall in no case be less than one-half pint or more than four gallons, and it shall be unlawful for the manager or any other person to open any such package, or bottle, or to drink any liquor of any kind in said dispensary, or in the building in which the same is located, or within such distance thereof as the said dispensary board may prescribe. Said manager shall make a monthly report to the dispensary board, showing the amount of purchases and sales for the preceding month and the amount of stock on hand on the last day of said month.

8. Said dispensary board may cause an inspection and analyses to be made of the stock on hand, from time to time, by a competent chemist, and no spirituous, vinous, or malt liquors shall be sold in said dispensary that are not known on the market as pure and unadulterated, and said board may cause to be analyzed any liquor purchased by it, to ascertain if it is as represented. If any liquors are condemned by the chemist making the analysis as impure or unwholesome, such liquors shall not be sold at said dispensary, and the same shall be returned to the persons from whom purchased, and such persons shall have no right of action in any court of this Commonwealth on account of such rejected liquors.

9. No liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again, and said dispensary board shall make such rules and require the manager to make such investigation as will, so far as practicable, prevent persons from so purchasing, and if the said board becomes satisfied that any person or persons have purchased or are purchasing liquor from said dispensary for the purpose of selling again, they shall direct the manager as to the quantity that may be sold to such person or persons, which shall be such quantity as shall prevent a resale, and if in such case the board becomes satisfied that any person or persons are directly or indirectly purchasing repeatedly for the purpose of reselling, then the said board is authorized to direct the manager not to sell to such persons, except upon the certificate of a reputable physician that such liquor is needed for medicinal purposes.

10. The dispensary board shall have power to employ attorneys, agents, or detectives to aid in the detection and prosecution of any violation of this act, and shall have power to do all other things, not contrary to law, in order to carry out the true intent of this act.

11. The council of the said town shall appropriate from the treasury of said town a sufficient amount to establish said dispensary, which amount shall be paid into the town treasury from the profits arising from said dispensary as they shall accrue, and no profits shall be paid out in any other direction until said amount is so repaid, and thereafter said



dispensary shall be supported and maintained out of the profits accruing therefrom; and, if necessary, said council or said dispensary board may borrow, on behalf of the said town, a sufficient sum of money to establish said dispensary, or they may pledge the credit of the said town for the purpose of providing a place for said dispensary and purchasing supplies for and commencing the operations of the same.

12. The building in which the said dispensary is located shall be used for no other purpose than for the conduct of the said dispensary, and it shall be the duty of the said dispensary board to see that no part of said building is used for any other purpose whatever. The manager of said dispensary shall not permit any person or persons to loiter in or about the said dispensary; and any person who is violating this provision, and refuses to leave at the request of the manager, shall be punished, upon conviction, as may be prescribed by ordinance of the town council.

13. The treasurer of the said town shall be liable on his official bond for all moneys received by him hereunder, which bond shall be in sufficient penalty to cover his receipts hereunder as well as the other receipts of his office; and no money shall be received by him until such bond, in such penalty as may be prescribed by the said town council shall be given, with approved security. The said town council shall cause said treasurer to deposit all dispensary funds received by him in some bank to the credit of the dispensary as a separate fund.

14. The net profits accruing from said dispensary shall be disposed of in the following manner: One-eighth to the State of Virginia, one-fourth to Red Bank magisterial district of said county of Halifax, for district school purposes, and the remainder to the said town of Virgilina, for its general purposes. Such distribution shall be made when ordered by the said dispensary board, and at least once a year.

15. The said dispensary board shall make an annual report to the town council, showing in detail the amount of money expended in the purchase of liquors, the amount of money realized from the sale of liquors, the itemized expenses of said dispensary, salary paid manager, dispensary board, and all other moneys expended on account of said dispensary, and money received on account thereof, and shall also cause said report to be printed for at least two consecutive times in some newspaper published in the county of Halifax, Virginia.

16. All laws or parts of laws in conflict with this act are hereby repealed so far as applicable to the town of Virgilina, Halifax county, Virginia.

17. An emergency existing for the immediate enactment of this law, the same shall be in force from its passage.

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CHAP. 221.—An ACT to provide for the consolidation or annexation of cities.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That whenever two cities coterminous or adjacent to each other, desire to be consolidated with each other, or whenever one of such cities desires to annex or to be

annexed to the other, for the purpose in either case of forming one municipal government, with a common name to be governed under and controlled by either the general laws of the Commonwealth, enacted for the government of cities or by the provisions of the charter of either of the two cities, it shall be lawful for the councils of the two cities, or of the one city, as the case may be, to so declare by an ordinance which shall be adopted by a recorded affirmative vote of a majority of all the members elected to the council and to each branch thereof where the council is composed of more than one branch.

2. Said ordinance shall be approved by the mayor of such city or may be passed notwithstanding his objections in the manner prescribed for passing ordinances over the veto of the mayor. It shall contain declaratory provisions on the following subjects—to-wit:

First. The name suggested for the proposed municipal government.

Second. Whether it is desired that the proposed municipality shall be governed by the general laws governing cities or by the charter of one of the cities interested in the proposed consolidation or annexation, naming the city, if any, whose charter and name it is proposed to adopt.

Third. Setting forth the particular inducements to annexation or consolidation, if any such there be, over and above the incidental and ordinary benefits of citizenship in the proposed municipality—such as the erection of school houses or other public buildings or the devotion of a named sum to street, sewer, or other public improvements for a stated period, or to be expended within a stated time; and

Fourth. Appointing a committee, whose duty it shall be to present a certified copy of the ordinance to the council of the city with which consolidation or annexation is proposed, and to confer with a similar committee therefrom, if such committee be appointed, and in conjunction with such committee to adjust and settle the terms and conditions of annexation or consolidation, and to prepare and perfect an ordinance designed to effect the desired annexation or consolidation.

3. If the council of the city with which consolidation or annexation is proposed does not agree to a conference upon the subject, it shall adopt a resolution declaring it inexpedient to hold any conference upon the proposed consolidation or annexation, but if it does agree thereto, it shall pass an ordinance, in the manner hereinbefore prescribed, which shall recite the fact of the passage of such an ordinance by the council of the city taking the initiative, the reception of a certified copy, and the terms and provisions thereof, and which shall appoint a committee of the same number as the committee appointed by the council of the other city, which shall be charged with similar duties.

4. The two committees thus appointed shall meet in joint session as soon as may be, and a majority of each committee being present and acting as separate units, shall proceed, with such adjournments from time to time as may be desirable, to prepare and perfect an ordinance designed to be adopted by the councils of the cities concerned, and to provide therein for the consolidation or annexation proposed, upon such terms and conditions as said committees may agree upon. Such terms and conditions shall be set forth in said ordinance, which shall be reported

by each committee to the council by which it was appointed, and which shall hereafter be designated as the consolidation or annexation ordinance.

5. The consolidation or annexation ordinance to be effective must be passed by the council of each city participating in the consolidation or annexation, by a recorded affirmative vote of a majority of the members elected to said council and to each branch thereof, where there are two. And must provide that an election shall be held, to determine whether such consolidation or annexation shall take effect, in smaller city or in any city in which one-fourth of the qualified voters petition the council, asking that an election shall be held for that purpose. It shall be approved by the mayor of each city or passed over the mayor's veto as in case of other ordinances, and shall not be voted upon by both branches of the council of any city on the same day.

6. The consolidation or annexation ordinance shall not be voted on by the council of either of the cities interested in the proposed consolidation or annexation (unless by its terms the proposed consolidation or annexation is made dependent upon an election) until notice thereof shall have been given by publication of such ordinance once a week for four successive weeks in at least one daily newspaper published in each of said cities, or if there be no such newspaper published in said cities or in one of them, then in some daily newspaper which has a substantial circulation in the city or cities in which no such newspaper is published. A printed copy of said consolidation or annexation ordinance shall be posted conspicuously throughout said cities in not less than one hundred public places in each city, including each voting precinct of said cities, at least thirty days before the council is called upon to vote thereon. Both the publication and the posted notice herein required shall be signed by the clerk of the council, and shall designate the day upon which the council will proceed to consider said ordinance.

7. In case the consolidation or annexation ordinance provides that an election shall be held in either or both of said cities before consolidation or annexation shall be effective, the notice and publication hereinbefore required shall not be necessary before the council of either city votes upon said ordinance, but shall be required before the election is held, and to such notice and publication there shall be attached a notice under the hand of the clerk of the council, stating that a special election will be held in said city or cities on a day specified in the notice to determine whether the consolidation or annexation of the cities named shall take place upon the terms and conditions agreed upon by their respective councils and set forth in the ordinance adopted by said council.

8. In either case the publication herein required when completed shall be certified by the editor or business manager of such newspaper or newspapers to the clerk of the corporation court of the city or cities in which the election is to be held when such election is prescribed as a means of determining such consolidation or annexation or to the clerk of the council of each city when no such election is prescribed.

The clerk of the council shall in like manner certify that printed copies of the annexation or consolidation ordinance have been posted in the manner required by law.

9. The consolidation or annexation ordinance prepared and perfected by the committees of the councils of said cities may be adopted, amended, recommitted to the same or to another committee for further conference and report or rejected by the council of either city or of both, as if it were an ordinance proposed solely by a committee of its own body. The council of each city shall forthwith notify the council of the other of the disposition it has made of said ordinance by a certified extract of its proceedings with relation thereto under the hand of its clerk.

10. If the consolidation or annexation ordinance shall be passed without amendment by the council of either city a certified copy of the ordinance as passed shall be likewise transmitted to the council of the other city as soon as practicable after the ordinance shall have been signed by the mayor of such city or passed over his veto. If, however, the council of either city shall amend or recommit said ordinance the council of the other city upon receiving notice thereof may either adopt, amend, or reject said ordinance and amendment or recommit to the same or to another committee for a further conference and report.

11. In case the ordinance prepared by the committees of the councils of said cities shall be passed by the council of one of said cities and be rejected or so amended by the council of the other city as to be unacceptable to the council of the first city, or in case it shall be vetoed by the mayor of one city and be adopted by the council of the other, a special election may be called for in the city whose council so amends or rejects said ordinance or by whose mayor it is so vetoed in the manner provided in section five hundred and eighty-one of the Code of Virginia, to determine whether the ordinance reported by said committees shall or shall not be effective. In case such ordinance is ratified by the qualified voters of said city at such election, after having been adopted by the council of the other city, the proposed consolidation and annexation shall be as effective as if the councils of the two cities had themselves agreed upon its terms. But no election under this section shall be held within seven months from the time the same is ordered.

12. Whenever the councils of the two cities shall have passed a consolidation or annexation ordinance or the same shall have become effective in the manner prescribed by law, identical in terms, words, and figures, except so far as variations may be necessary to express the independent action of either city and the terms upon which consolidation and annexation has been concurred in, the consolidation or annexation therein provided for shall thereupon be and become an accomplished fact according to the terms and provisions of said ordinance: provided, however, that all the requirements of law have been complied with in said ordinance: and provided, that all preliminary acts and conditions precedent, as prescribed in said ordinance, shall have been done and complied with in the manner therein provided and as prescribed by law: and provided, that such consolidation or annexation shall not be declared effective until the fact of such compliance with the requirements of the law and with the preliminary acts and conditions precedent shall have been ascertained and declared in the manner here provided.

13. A certified copy of said ordinances under the hand of the clerk of each council, and sealed with the seal of each city, together with a certified copy of the ordinance received by each council from the council of the other city shall be at once transmitted to the clerk of the corporation courts of each of said cities named in said ordinances; and the clerk of the corporation court of the city named in said ordinance which has the smaller population by the last United States census, shall thereupon docket the same as if the city first passing said ordinance had entered a motion in the nature of a suit to compel the specific performance of a contract except that the evidence shall be heard by the judge without a jury, as in common law cases.

14. Notice may be served by either city upon the mayor, president of the city council, or of its more numerous branch, where there are two, and upon the city attorney of the other city named in the ordinances and by publication at least five times in some newspaper published in or having substantial circulation in the city having the smaller population as aforesaid, that within ten days, and on a day named, it will move the said corporation court, or the judge in vacation, to hear the case and to ascertain and declare by order of court that all preliminary acts and conditions precedent have been complied with, and that consolidation or annexation has been effected by the said cities according to law; or in the event that the consolidation or annexation ordinance requires an election to be held in either of said cities, or in both of them, that the corporation court of each city in which an election is required will be asked to order the same to be held on a named day not less than seven months after the entry of the order, and that the corporation court of the city having the smaller population, as aforesaid, will be asked at the same time to ascertain and declare by order of court that all other preliminary acts and conditions precedent in said ordinance have been complied with, and that consolidation or annexation has been effected by the said cities according to law, subject to ratification or rejection by the qualified voters at the election or elections prescribed in said ordinance.

15. The said proceedings shall be placed on the privileged docket of the said court, or may be heard in vacation by the judge designated to hear the case, and any qualified voter of either city, or any party effected, may become a party thereto. All proceedings shall be had in the corporation court of the city having the smaller population, as aforesaid, except that in case an election is to be held in the other city, said election shall be ordered by the judge thereof, and the result, when ascertained, shall be certified by the clerk of that court to the clerk of the corporation court of the city having the smaller population, as aforesaid, to be by him filed with the papers in the consolidation or annexation proceedings.

16. The election prescribed for either or both of said cities shall be ordered for each city by the judge of the corporation court thereof, and shall be held and its returns made to and be canvassed and certified by the same officials and in the same manner as is provided by general law for special elections: provided, however, that the ballots to be used shall be prepared, printed, stamped, and distributed as in other special elections, which ballots shall be marked as follows: "For consolidation or annexa-

tion," and "against consolidation or annexation," and the voter shall indicate his opinion by so marking the ballot as to indicate whether his ballot is to be counted "for" or "against" the proposition submitted to the voters: and provided, further, that the certificate of the judges of election shall be in the usual form, except that it shall certify that \_\_\_\_\_ votes were cast for consolidation or annexation, and that \_\_\_\_\_ votes were cast against consolidation or annexation.

17. Upon the complaint of fifteen or more qualified voters of the city in which an election is held made to the corporation court, or judge thereof, within fifteen days after said election, of any undue election or false returns, such election shall be subject to inquiry, determination, and judgment of the said court or judge. The complaint shall fully set out the grounds of contest, and, if any votes were improperly received or rejected, shall give a list of said votes, with objections, to the action of the judges of election in receiving or rejecting the same. Two of the persons making the complaint shall make oath that the facts therein contained are true to the best of their knowledge and belief. Such notice shall be served upon the city attorneys of the two cities, stating that the complaint has been filed in the clerk's office of the said court. If it be desired to take depositions, the time and place of taking the same shall be stated in said notice, which shall entitle the parties giving the same to take the depositions, which may be read as evidence in said contest. Either or both of said cities may file an answer to said complaint, and the proceedings in said contest shall be conducted as near as may be in accordance with the provisions of the act of the general assembly of Virginia approved November twenty-eighth, nineteen hundred and three, providing for contesting local option elections (acts nineteen hundred and two, nineteen hundred and three, and nineteen hundred and four, page five hundred and forty-four), as the same may be from time to time amended. The said court, or judge thereof, shall proceed to pass upon said complaint without a jury, and on such depositions as may have been taken under the notices aforesaid and upon such other legal testimony as may be adduced by either party at the hearing of the case. If it be determined that such election should be set aside, the court or judge shall so declare and order a new election to be held, which he shall also do in any subsequent contest until there has been a legal election for the purpose aforesaid.

18. The corporation court of the city having the smaller population as aforesaid, which shall be presided over by the judge of some corporation court other than the corporation court of either of said cities, who shall be designated by the governor or said judge in vacation, shall hear the cause as hereinbefore provided, and when it shall appear that the said cities have each passed a consolidation or annexation ordinance, or that said ordinance has been passed by the council of one city and ratified by the voters of the other, in the manner prescribed by law; that the terms of such ordinances are identical except for the necessary variations hereinbefore referred to; that all preliminary acts or conditions precedent have been complied with; that the provisions of said ordinance comply with the requirements hereinafter set forth, and, in case consolidation

or annexation was conditioned upon ratification by the qualified voters of either city, or both, that such election or elections have been held and such consolidation or annexation ratified, then the said court, or the judge thereof in vacation, shall enter an order embodying the consolidation or annexation ordinance and declaring that the cities named have effected the consolidation or annexation provided for by said ordinance, and thereupon and thereafter the said cities shall be and continue as one municipality, under the terms and according to the provisions of the said consolidation or annexation ordinance. A copy of this order of the court shall be certified to the secretary of the Commonwealth, by whom it shall be certified to all departments of the State government. But if a majority of the votes cast at said election in either city, or in the city in which an election is held, shall be against consolidation or annexation, the said court or judge shall dismiss the proceedings, the cost of which shall be equally apportioned between the said cities and certified to their respective councils for payment.

19. The consolidation or annexation ordinance may contain the following provisions—to-wit:

First. It may provide that consolidation or annexation shall take effect only upon condition that the ordinance providing therefor is ratified by the duly registered and qualified voters at an election to be held for that purpose in either or both of the cities concerned: provided, however, that such election shall be held in the city having the smaller population.

Second. It may provide for the erection of public buildings, or other works of improvement, which shall be specified in either of said cities, or, where the two cities are separated by water, for the construction of bridges between them. It may also provide for the setting apart of the taxes or revenues of either city, either in whole or in part, or of a stated sum in lieu thereof, for a fixed period, not, however, exceeding five years, for the improvement of streets, or the providing of light, water, or other public works or improvements, as may be agreed upon by the two cities, or, in the absence of such agreement, as the council of the consolidated municipality shall determine.

Third. Said ordinance may provide for the abolition of the corporation or other courts of the city whose charter is surrendered upon securing the payment of the salaries of the judge thereof, and any other court official whose salary cannot be or is not designed to be cut off, during the term of office for which he was elected or appointed, or said ordinance may provide that the corporation or other courts of the city whose charter is surrendered shall be continued and shall continue to exercise the same jurisdiction belonging to it or them under the statutes previous to annexation or consolidation, except that when the two cities so consolidated are separated by a river that is either navigable or more than three hundred yards wide, the clerk of the court so retained shall certify each day to the clerk of the court of record on the other side of the river a full and correct index of all matters admitted to record in such courts, and required by law to be recorded by whom, the same shall be entered in appropriate books properly marked and designated as records of part two of the court of records of such consolidated city. The clerk and sergeant of such

court shall be continued in office for and during the term for which they shall have been elected, and thereafter until the election and qualification of their successors, and they shall be entitled to the same compensation and fees as if annexation or consolidation had not taken place: provided, however, that the courts thus retained shall be designated by the title of the corresponding courts of the united or consolidated municipality, with the added designation, part two; and the judges thereof, who shall serve to the end of the terms for which they were severally elected or appointed, and whose successors shall then be elected, appointed, and commissioned in the manner prescribed by law, and for the same term, as in the case of other judges of cities of the first class, shall receive the same compensation, which shall be paid in the same manner, as in the case of other city judges. The amount of said compensation for each judge so retained is hereby fixed at a sum equal to the salary fixed by law for the judge of the court of which said retained judge's court becomes a division: and provided, that the courts of said municipality, so far as they have concurrent jurisdiction, shall apportion and divide between them all cases coming up for trial.

The said ordinance may likewise provide for a police justice to hold court within the former territory of either of the said cities in which there was no police justice at the time of annexation or consolidation, notwithstanding the adopted charter may provide for only one such justice in the former territory of the city whose charter is adopted. Such justice and his successors shall be appointed or elected in the manner and shall exercise the powers, duties, and jurisdiction prescribed by the charter of the united or consolidated municipality. But if such charter makes no provision therefor, such justice and his successors shall be appointed in the manner and for the term, and shall be clothed with the power, duties and jurisdiction prescribed by the acts of the general assembly of Virginia: provided, that such justice may be elected or appointed as soon as said annexation or consolidation has been declared effective, and his term of office shall begin as soon as he has qualified: and provided, that the salary of such justice, which shall be paid by said city, shall be fixed by its council according to the population contained in the former territory of the city in which he is to hold court, as provided in said acts of assembly. If at the time of annexation or consolidation there is a police justice in either or both of said cities, such justice or justices shall continue to exercise the duties of their offices and shall be clothed with the powers, duties, and jurisdiction of police justices of the united or consolidated city as if originally elected or appointed therein. Their courts shall be designated as "the police court" or "the police court, part two," of said municipality, according to the relative population contained within the territory of the former city in which they hold court, respectively, and their successors shall be elected or appointed as if said justices had always been police justices of the united or consolidated municipality.

All cases, civil and criminal, which arise within the former territory of either of said cities shall, upon motion of the accused or of the defendant, be certified for trial to the police justice whose court is held in the territory within which such case arose.



If, however, at the time of annexation or consolidation the mayor of either city shall be clothed with the jurisdiction and powers of a police justice, said ordinance may provide that such mayor shall be and become the police justice designated for the trial of cases, civil and criminal, arising within the territory of his former city, and he shall thereupon be vested with all the powers, duties, and jurisdiction conferred by law or by the adopted charter upon a police justice to the same extent as if he had been selected or appointed in and for the united or consolidated municipality. His term of office shall begin on the day when annexation or consolidation is declared effective, and end with the term for which he was elected mayor. His salary shall be determined and his successors shall be elected or appointed in the manner and for the term hereinbefore prescribed.

The court of any police justice appointed or elected in the manner herein provided shall be designated as "part two" of the police court of the united or consolidated municipality, if either of said cities had a police justice at the time of annexation or consolidation.

Fourth. Said ordinance may provide for an assistant to the attorney for the Commonwealth and to the city attorney of the united or consolidated municipality, and may continue in office as such assistant or assistants for the terms for which they were respectively elected or appointed the Commonwealth's attorney and city attorney of the city whose charter is surrendered.

Fifth. It may contain any other special provisions agreed upon by the said cities which are not inconsistent with the Constitution and laws of the Commonwealth, or which are permitted by the charter of either city.

Sixth. Said ordinance may transfer members of the police or fire department or of any other department of the city government whose charter is surrendered to the corresponding department of the government of the united or consolidated municipality, and the several boards, commissioners, and officials of said municipality shall have, respectively, the same powers, control, and authority over such transferred members clerks, assistants, and subordinates, and over their term of membership and removal as over the members and subordinates of the several departments who were appointed by such boards, commissioners, and officials, respectively, and they shall especially have power to fix and assign the rank, title, duties, and powers of such transferred members, except that the place of service of transferred members of the police and fire departments shall remain in the territory of the city whose charter is surrendered as long as they remain members of said departments, unless in an emergency they are ordered to other territory: provided, however, that the rank, title, duties, and powers of the transferred members of the police and fire departments shall remain the same until the governing authorities of such departments provide otherwise.

20. But said consolidation or annexation ordinance shall contain provisions ordaining:

First. The name adopted for the united or consolidated municipality constituted by the consolidation or annexation ordinance, by which name it is hereby enacted by the general assembly of Virginia, that the said

municipality shall be a body politic and corporate in fact and in law, with all the rights, powers, privileges, duties, properties, interests, claims, demands, and jurisdictions held by each of the cities consolidated or annexed under the charter of either of said cities or under the general laws of the Commonwealth; and said ordinance shall also name the cities intended to be consolidated or annexed and define the metes and bounds of the united municipality, which shall be the same as the metes and bounds of the said cities when united.

Second. Said ordinance shall ordain the consolidation or annexation desired, and contain an explicit surrender and annulment of the charter of the city or cities whose charter or charters are proposed to be surrendered, together with an explicit adoption of the charter of the city whose charter is adopted, if such there be, and of its seal.

Third. It shall contain a clear transfer of all the charter rights, privileges, duties, powers, obligations, properties, interests, and jurisdictions of the city or cities whose charter is surrendered to the city whose name and charter is adopted, if such there be, or to the consolidated municipality and a clear acceptance by such city or by the consolidated municipality and assumption of the said rights, duties, powers, obligations, interests, properties, claims, demands, privileges, and jurisdictions thus transferred, and of all valid debts and liabilities of said first mentioned city.

Fourth. Said ordinance shall provide for the organization of the smaller city thus annexed or consolidated into a new ward or wards, according to its population and according to the requirements of law. It shall also provide for proper legal representation of such ward or wards in the council of the united or consolidated municipality.

Fifth. It shall provide for the election of such members of the council and of each branch thereof as may be legally apportioned to said new ward or wards in the council of said municipality, by the council of said consolidated municipality at its first session after consolidation, to serve until the next regular election for members of the council and until their successors are elected and qualified.

Sixth. It shall ordain the abolition of such city officers and the termination of the salaries thereof as may be agreed upon by said cities, and shall designate the time at which such abolition shall take effect.

Seventh. It shall forbid the further creation of debt by the city whose charter is surrendered and the further levying of taxes, assessments, or licenses upon persons or property within the united or consolidated municipality.

Eighth. It shall ordain the transfer of all former funds and the payment of all outstanding dues, revenues, debts, and obligations to and by the united or consolidated municipality.

Ninth. Said ordinance shall provide for the expenses of any city which may be absorbed by such consolidation or annexation and for the maintenance of its public schools until such time as new funds shall be received by the united or consolidated municipality; but no such provision shall interfere with the appropriation of any specific fund or sum for

public works or improvements that may be agreed upon between the two cities under subdivision second of section nineteen of this act.

Tenth. It shall make provision for the maintenance of a department of education in said municipality, and for the support and management of a system of public free schools, if the adopted charter does not contain adequate provisions, and shall provide for the continuance in office and of the official duties of such superintendent of schools and school trustees as may be in office when consolidation or annexation is effected during the term for which they were elected or appointed, and for the salaries and compensation allowed them by law.

Eleventh. It shall provide for the maintenance of a police force and of a fire department, a board of health, with such city physicians, pharmacies, and hospitals as are agreed upon; for the care of public grounds and buildings; of streets and sewers, and for the maintenance of a department of water and of light, and for the care of the poor. In all of these particulars, however, said ordinance may adopt the provisions of the charter so to be adopted: provided, such charter is adopted.

Twelfth. Said ordinance shall prescribe the jail or station-house in which offenders are to be confined who are arrested for offenses committed within the former territory of the city whose charter is surrendered, and shall provide for its proper care and maintenance.

Thirteenth. It shall provide for the transfer of such records, papers, and deeds of the city whose charter is surrendered as may be necessary to the proper officer or officers of said municipality.

Fourteenth. It shall make provision for the maintenance and pay of all necessary magistrates, constables, and subordinate officials, and such justices of the peace and constables as are in office when consolidation or annexation is effected shall continue in office until the expiration of the term for which they were elected or appointed, and shall be vested with the same rights, powers, and duties as if they had been elected or appointed in and for the united or consolidated municipality.

Fifteenth. It shall provide for the continuance in office for the term for which they were appointed, and for the compensation of all registrars, judges, and clerks of election, subject to control and removal by proper authority. Said officers shall hold, conduct, and certify all elections during their continuance in office as if no consolidation or annexation had taken place, except so far as a change in the name of the city or of the corporation court of the city, for which they were originally appointed, or of their respective wards or precincts require a change in their official titles, acts, or certificates.

Sixteenth. Said ordinance shall ascertain the salary or average annual compensation of any officer of the city whose charter is surrendered who is retained in office, or whose salary or other compensation is not by the ordinance of consolidation cut off or discontinued, and who receives a salary, or whose compensation is determined in whole or in part by fees allowed by law, and shall provide for the payment of such salaries to such officers at stated periods, or for the payment of an amount which shall be at least equal to their average annual compensation as so ascertained,

during the term of office for which they were severally elected or appointed.

21. Whenever two cities shall have effected consolidation or annexation in the manner herein prescribed it is hereby enacted by the general assembly of Virginia that the municipal or public corporations named in the ordinance of consolidation or annexation with the metes and bounds therein specified, are annexed, united and consolidated into one municipal corporation upon the terms set forth in said ordinance, and are to be known and thenceforth called by the name designated in said ordinance; that the boundaries, jurisdictions, and powers of said municipal corporation are for all purposes of local administration and government declared to be co-extensive with the territory therein described; that the said municipal corporation is the successor corporation in law and in fact of the cities so annexed and consolidated as aforesaid, with all their lawful rights and powers and subject to all their lawful duties and obligations without diminution or enlargement, except as otherwise specially provided in said ordinance; that all funds and moneys which at the time of annexation or consolidation shall be held by or payable to the receiver of taxes or the treasurer, or any department of the cities so annexed or consolidated shall be deemed to be held by and payable to the said municipal corporation, solely as the funds and moneys of said municipal corporation, and upon the ascertainment by order of court that such consolidation or annexation has been effected shall be delivered on the day named for the consolidation or annexation to be effective, to the officer of said municipal corporation entitled by law or by the adopted charter to hold and control the same: provided, however, that all taxes, licenses, and levies or assessments for the year in which annexation or consolidation is effected shall be collectible and payable according to the provisions of existing laws.

22. The charter of any city which is surrendered by said ordinance, shall be, and is hereby, revoked and annulled, and the general laws governing cities and the charter of the city which is adopted, together with the jurisdiction of its officers, State and municipal, shall immediately extend to and over the territory of the city whose charter is surrendered. The terms and conditions of consolidation or annexation, as provided in said ordinance, shall be deemed and held to be a binding and irrevocable contract in favor of the public, compliance with which in all its parts may be enforced, and violation of which may be prevented, by mandamus or injunction from the supreme court of appeals, or from any circuit or corporation court at the suit or relation of any citizen, or taxpayer.

All notaries public who have been commissioned as notaries for the city whose charter is surrendered shall exercise the same authority and do the same acts as provided by law, for the consolidated city until the expiration of the terms of their respective commissioner.

23. No new registration shall be necessary in case of such annexation or consolidation, but all electors shall be entitled to transfers to the proper registration books of the united or consolidated city, and it shall be the duty of the corporation court of said city to direct the making of such

transfers as may be necessary by reason of the rearrangement of the wards and election precincts. Any person residing in the cities annexed or consolidated by said ordinance who shall not have registered shall be entitled to register at such time as he would have been entitled to do so if no annexation or consolidation had taken place.

24. All valid and lawful charges and liabilities now existing against either city so annexed or consolidated, or which may hereafter arise or accrue against such cities, which, but for such annexation or consolidation would be valid and lawful charges or liabilities against them, or either of them, shall be deemed and taken to be like charges against or liabilities of the united or consolidated municipality, and shall accordingly be defrayed and answered unto by it to the same extent, and no further, than the said several cities would have been bound if no annexation or consolidation had taken place. As a portion of such liabilities shall be reckoned and included the salaries or other compensation of all offices, whose incumbents are not removable at the pleasure of the council or appointing power, or who are not, in fact, removed by said ordinance. All stocks, bonds, contracts, and obligations of said cities which now exist as legal obligations shall be deemed like obligations of the united or consolidated municipality, and all such obligations as are authorized or required to be hereafter issued or entered into shall be issued or entered into by and in the name of said municipality.

25. All laws or parts of laws heretofore passed creating any debt or debts of the cities so united or consolidated, or for the payment of such debts, or respecting the same, shall remain in full force and effect, except that the same shall be carried out by the united or consolidated municipality and under its name and in such form and manner as may be suitable to its administration, and all the pledges, taxes, assessments, sinking funds, and other revenues and securities provided by law for the payment of the debts of said cities, shall be in good faith enforced, maintained, and carried out by said municipality.

26. The ordinances in force in said cities at the time of annexation or consolidation, so far as the same are not inconsistent with the fact and ordinance of annexation or consolidation, or with this act, are hereby continued in full force and effect within the former limits of said cities, respectively, subject to modification, amendment or repeal by the council of the united or consolidated municipality.

27. From and after the date when annexation or consolidation shall become effective, all indictments and prosecutions for crimes committed or ordinances violated, and all suits or causes of action arising within the territory of the united or consolidated municipality may be instituted in said city with the same force and effect as if annexation or consolidation had always been effective. But in case the corporation or other courts of any city whose charter is surrendered are retained as courts of concurrent jurisdiction with any of the courts of the united or consolidated city, prosecutions for crimes committed or ordinances violated and suits or causes of action arising within the territory of the city whose charter is surrendered shall be apportioned, as far as possible, to said corpora-

tion or other courts so retained, for trial, and all cases arising therein which are properly triable by a magistrate's court shall be tried before some justice of the peace resident in said territory, unless otherwise provided by the council of the united or consolidated city, or by the consolidation or annexation ordinance.

28. When, however, the consolidation or annexation ordinance provides for the abolition of the corporation or other courts of the city whose charter is surrendered on the day when such consolidation or annexation is to take effect, all criminal prosecutions then pending therein, whether by indictment, warrant, or other complaint, and all suits, actions, motions, warrants, and other proceedings of a civil nature, at law or in chancery, with all the records of the courts of such city shall stand ipso facto removed to the court or courts of concurrent or like jurisdiction of the other city. And it shall be the duty of the corporation and other courts having courthouses and records in and jurisdiction over the city absorbed or merged, at some convenient time, as closely preceding the period of removal as practicable, by formal orders entered of record, to direct the removal of all such causes and proceedings, civil and criminal, at law and in chancery, to the court or courts of concurrent or like jurisdiction of the other city, and, where there are two or more such courts, to apportion such matters fairly and equally between them; and it shall thereupon be the duty of the clerk of the court or courts of the former city to certify such causes and proceedings to the court or courts to which the same have been removed, as in other cases of removal or changes of venue, where they shall be docketed and proceeded in with the same force and effect as they might have been in the court or courts from which removed.

At the same time it shall be the duty of such clerk or clerks also to deliver to the proper clerk or clerks of the other city wherein the like records are required by law to be kept, all the deed books, order or minute books, execution dockets, judgment dockets, and other records of his office, of whatever kind or nature; and the clerk or clerks of the court or courts to which the same are removed shall forthwith take charge of and preserve the same for reference and use in the same manner and with the same effect as though they were original records of his office. In case there shall be two or more courts of like jurisdiction, to either of which such records or portions of them may be properly removed, either of said courts may designate and prescribe the particular court to which such records or portions of them shall be removed.

29. If any right, title, interest, claim, or case arise out of such consolidation or annexation for which this act or the Constitution and laws of this State do not make adequate provision, the council of the united or consolidated municipal corporation may by ordinance make provision for its equitable determination so far as concerns the said corporation.

CHAP. 222.—An ACT to ratify and confirm the acts and contracts of the authorities of Augusta county, which have been done in regard to certain real estate owned by said county.

Approved March 15, 1906.

Whereas the county of Augusta is the owner of certain real estate situated in the city of Staunton, and not connected with the courthouse square of said county, but separated therefrom by certain public streets or alleys of said city; and whereas the authorities of said county have heretofore undertaken to improve, rent, lease, and contract with respect to said real estate; and whereas it is desirable that the action of said authorities of Augusta county in undertaking to improve, rent, lease, and contract with respect to said real estate be made firm and binding, and that power be given to said authorities to hereafter deal with said real estate; therefore,

1. Be it enacted by the general assembly of Virginia, That all acts which have been done heretofore by the authorities of Augusta county in improving, renting, leasing, contracting with respect to, or otherwise dealing with, said property belonging to Augusta county and separated from the courthouse square of Augusta county by any of the public streets or alleys of the city of Staunton, be, and the same are hereby, validated, ratified, and confirmed.

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CHAP. 223.—An ACT to add section 47 to chapter 106 of the acts of assembly of Virginia, 1904, entitled an act to provide the establishment, proper construction, and permanent improvement of the public roads and landings, for building and keeping in repairs of all public roads, bridges, causeways, and wharves in the several counties of this State, and to repeal chapter 43 of the Code of Virginia, approved March 12, 1904.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That chapter one hundred and six of the acts of assembly of Virginia, nineteen hundred and four, entitled an act to provide the establishment, proper construction, and permanent improvement of the public roads and landings, for building and keeping in repairs of all public roads, bridges, causeways, and wharves in the several counties of this State, and to repeal chapter forty-three of the Code of Virginia, approved March twelfth, nineteen hundred and four, be amended by adding the following as an independent section:

§47. The board of supervisors of any county which has not now a special road law may by a recorded vote adopt instead of this act the special road law of any other county in this State.

CHAP. 224.—An ACT to amend and re-enact section 22 of an act approved January 30, 1888, entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Boston, in the county of Halifax, as amended and re-enacted by an act approved March 3, 1900, entitled an act to amend and re-enact section 22 of an act entitled an act to amend and re-enact an act to incorporate the town of South Boston, in the county of Halifax, approved the 30th day of January, 1888, as further amended by an act approved March 25, 1902, entitled an act to amend the charter of the town of South Boston, in Halifax county, Virginia, as further amended and re-enacted by an act approved April 20, 1903, entitled an act to amend and re-enact sections 3 and 22 of the charter of the town of South Boston, in the county of Halifax, authorizing the town council to contract loans and issue bonds therefor, and providing a method for so doing.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section twenty-two of an act approved January thirtieth, eighteen hundred and eighty-eight, entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Boston, in the county of Halifax, as amended and re-enacted by an act approved March third, nineteen hundred, entitled an act to amend and re-enact section twenty-two of an act entitled an act to amend and re-enact an act to incorporate the town of South Boston, in the county of Halifax, approved the thirtieth day of January, eighteen hundred and eighty-eight, as further amended by an act approved March twenty-fifth, nineteen hundred and two, entitled an act to amend the charter of the town of South Boston, in Halifax county, Virginia, as further amended and re-enacted by an act approved April twentieth, nineteen hundred and three, entitled an act to amend and re-enact sections three and twenty-two of the charter of the town of South Boston, in the county of Halifax, be amended and re-enacted so as to read as follows:

§22. The council may, in the name of and for the use of the said town, contract loans and issue bonds therefor, bearing interest at the rate of six per centum or less per annum, payable semi-annually, and redeemable in thirty-four years or less, which bonds shall be exempt from taxation by said town: provided, that the council shall not contract any loan or issue any bonds therefor, unless the same be authorized by a vote of the freeholders who are registered voters of the said town, and a majority of those voting be in favor thereof: and provided, further, that in no case shall the aggregate debt of the said town at any one time exceed eighteen per centum of the assessed valuation of the real estate in the said town subject to taxation, as shown by the last preceding assessment for taxes: and provided, further, that the clerk of the circuit court of Halifax county shall, ten days before the date fixed for said election, prepare and deliver to one of the judges appointed for such election a list of all freeholders who are registered voters in the said town: and provided, further, that such election shall be called, conducted, canvassed, and determined and the bonds issued in pursuance to the provisions, the act approved April twenty-seventh, nineteen hundred and three, entitled an act to provide for holding elections in towns for the purpose of deciding upon



the question of bond issue, except in so far as said general laws may be in conflict with this act.

2. Inasmuch as an emergency exists, which renders it necessary that this act shall go into operation at once, this act shall be in force from its passage.

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CHAP. 225.—An ACT to make guards at the Jamestown exposition conservators of the peace.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That all persons, while performing guard, patrol, or watch duty under the authority of the managing officers of the Jamestown exposition company, on the site of the Jamestown tercentennial exposition, near Sewells' Point, in Norfolk county, Virginia, or within one mile thereof, or on the waters adjacent thereto, during the period of said exposition, shall be conservators of the peace, with authority to make arrests for all offenses against the laws of this Commonwealth committed in their presence.

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CHAP. 226.—An ACT to provide for an annual appropriation for the Virginia State agricultural experiment station, and regulating the expenditure thereof.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That in order to aid in acquiring and diffusing among the people of the State useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be, and hereby is, annually appropriated the sum of five thousand dollars to be utilized as herein after provided for the more complete endowment and maintenance of the Virginia State agricultural experiment station, now established in accordance with the act of congress, approved March second, eighteen hundred and eighty-seven, and known as the Hatch act.

2. That the aforementioned appropriation shall be expended under the general direction of the executive committee of the board of visitors of the Virginia polytechnic institute, and shall be subject to the following provision in order that it may harmonize with the provisions of the Hatch act, and permit of the development of the experimental work along cumulative lines and in harmony with the lines of investigation already established, and provide for such additional researches as the appropriation will permit.

3. That it shall be the object and duty of the State experiment station to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative

cropping as pursued under a varying series of crops; the capacity of new plants and trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural and artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese, and such other researches or experiments bearing directly on the agricultural industry of the State as may be deemed advisable.

4. That it shall be the duty of said station annually, on or before the first day of February, to make to the governor of the State a full and detailed report of its operations, including a statement of receipts and expenditures.

5. That bulletins or reports of progress shall be published by the station from time to time, one copy of each to be sent to each newspaper in the State, and to such individuals actually engaged in farming, as may request the same, as far as the means of the station will permit.

6. That the sum appropriated by this bill shall be used for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results, as hereinbefore prescribed.

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CHAP. 227.—An ACT to amend the charter of the city of Bristol, Virginia, so as to authorize said city to acquire an additional source of water supply, and to enlarge its water works system, and to maintain and operate the same, and to protect the same by proper ordinances, and to join, or in any way contract, with the city of Bristol, Tennessee, or with any other corporation, person, or persons, for said purposes.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the city of Bristol, Virginia, is hereby authorized to acquire an additional source of water supply, and to enlarge its water works system, and to operate and maintain the same; and, in order to exercise the foregoing powers, said city of Bristol, Virginia, is hereby authorized to acquire by contract, or by condemnation proceedings, or otherwise, said additional source of water supply, and all necessary and proper lands, easements, rights of way and appurtenances, within or without the corporate limits of said city, for reservoirs, pipes, pipe lines, conduits, and for all other fixtures and appurtenances necessary and incident to a complete water works system.

2. And said city of Bristol, Virginia, shall have power to protect said water supply, and water works system, and all parts thereof, and all of said lands, easements, rights of way, and appurtenances, whether within or without the corporate limits of said city, from injury, by ordinances, prescribing adequate penalties, in so far as allowed by law.

3. The said city of Bristol, Virginia, is hereby authorized to join, or in any way contract with the city of Bristol, Tennessee, or with any other

corporation, person, or persons, in the acquirement of said additional source of water supply, and in enlarging said water works system, and in operating and maintaining the same.

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CHAP. 228.—An ACT to submit to the qualified voters of the town of Emporia, Virginia, at the next general election in June, 1906, for the election of mayor and councilmen, the question of the establishment of a dispensary for the sale of intoxicating liquors in the said town, and further to provide for the conduct of the said dispensary, and to prohibit thereafter within said town, or within the county of Greensville, Virginia, the making, sale, barter, or exchange of intoxicating liquors by all persons, firms, or corporations, except as provided herein.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That at the next general election in June, nineteen hundred and six, held for the election of mayor and councilmen for the town of Emporia, Virginia, at which said election the qualified voters of the said town shall vote upon the question of establishing municipal dispensary in said town, as hereinafter provided. The official ballot provided at the said general election shall contain the words "for dispensary" and the words "against dispensary," and the voters desiring to vote for said dispensary shall scratch the words "against dispensary," and the voters desiring to vote against dispensary shall scratch out the words "for dispensary." The certificate of the judges and clerks of the election shall show the number of votes cast for dispensary, and the number of votes cast against the dispensary, and shall certify the result of said election to the said town council to be spread upon the minutes thereof. And if a majority of the voters voting at such election shall vote to establish a dispensary, then it shall be unlawful for any person, firm, or corporation in any capacity whatever to sell, make, barter, or exchange any spirituous, vinous, malt, or intoxicating liquors of any kind in the town of Emporia, Greensville county, Virginia, or within the county of Greensville, Virginia, ———, except to engage in a retail and shipping business in quantities not exceeding four and seven-eighths gallons at any time to any individual, to all points out of the town of Emporia, and out of the county of Greensville, Virginia, and to engage in the manufacture of liquors from cider or fruits and to engage in a rectifying and wholesale business, except as hereinafter provided: and any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars for each offense or imprisoned in the county jail not to exceed twelve months, or both.

2. The judge of the circuit court of the county of Greensville, Virginia, shall immediately upon the passage of this act appoint three citizens of the said town, who shall constitute a dispensary board for the said town, whose term of office shall begin on the day they are appointed, and expire two years from the day on which they are appointed, and their successors shall be appointed regularly every two years thereafter. All va-

cancies occurring in the said dispensary board shall be filled by the appointment of the circuit court, or the judge thereof in vacation, for the unexpired term, and the said circuit court, or the judge in vacation, shall have power to remove any member of said dispensary board who fails or refuses to carry out the provisions of this act, and there shall be no appeal from the action of said court or order of said judge in vacation, when the said court or judge shall remove a member of the said board. But before entering upon their duties the members of the said dispensary board shall make and subscribe an oath that they will well and truly carry out, to the best of their ability, all the provisions of this act, and all town ordinances relating thereto. The said board shall elect one of its members as chairman, whose duty it shall be to audit and approve all the bills contracted by the said board, and shall receive for his services the sum of one hundred dollars per year.

3. It shall be the duty of the said dispensary board herein provided for to provide two suitable buildings, or two places, one place so provided shall be on the north side of the Meherrin river, and the other place shall be on the south side of the Meherrin river, both in the town of Emporia, and the said dispensary board shall select and purchase an ample stock of spirituous, vinous, and malt liquors to meet the requirements of the trade, which shall be kept and sold in the said two places provided by the said board as above; and the said board shall provide the necessary clerical force to do the business of the dispensaries at a salary to be fixed by the said board; and the said board shall make an inventory of the first stock of liquors with which the business of the dispensaries are begun, before any are offered for sale, and return the same to the town council of Emporia, Virginia, and every three months thereafter the said board shall make an inventory of the stock on hand the last day of the preceding month, and return the same to the said town council.

4. There shall be two managers, to be chosen by the said dispensary board, who shall have charge of the said dispensaries, or two places for sale of liquors, subject to the control of the said dispensary board, and they shall be subject to the dismissal at the pleasure of the said dispensary board. It shall be the duty of the said managers to supervise and manage the sale of spirituous, vinous, and malt liquors within the corporate limits of the said town as herein provided, and see that the provisions of this act and ordinances that may be passed by the town council and regulations relative thereto are carried out; and to recommend to the dispensary board the purchase of such spirituous, vinous, and malt liquors as they deem suitable for the business of the said dispensaries, and shall make monthly reports to the town council, showing the purchase and amount of sales for the preceding month, and all bills incurred for the establishment and maintenance of the dispensaries, and the purchase of stock, from time to time, shall be paid by the treasurer of the town of Emporia, upon presentation of such bills, approved in writing by the chairman of the dispensary board and said general managers. The said managers shall sell only for cash, and shall turn over all moneys received by them to the treasurer of the town of Emporia, who shall keep a separate account of the same. The said managers shall give bonds in the

sums to be fixed by the said dispensary board for the faithful discharge of their duties, and for the payment of all sums of money received by them to the treasurer of the town of Emporia, and they shall be paid a salary to be fixed by the said dispensary board; and it shall be the duties of the said managers to keep registers, on which shall be kept a record of the quantity sold, price paid, and date of sale.

5. The said dispensary board shall make, from time to time, rules and regulations for the operation of the said dispensaries, but in no event shall wine or liquors be sold to any person known to be an habitual drunkard, to minors, or persons intoxicated, except upon the prescription of a regularly licensed physician. The dispensaries shall not be opened before sunrise, and shall be closed at sunset each day, and they shall be closed on Sundays, election days, and such other days, and under the same circumstances as makes the sale of liquors unlawful under the laws of the State. The price at which spirituous, vinous, and malt liquors shall be sold shall be fixed by the dispensary board.

6. The managers of said dispensaries shall sell to no person or persons any spirituous, vinous, or malt liquors, except in sealed packages, and whenever an original package is broken it shall be at once bottled and sealed and the price labeled thereon. The said manager shall not at any time keep, or allow to be kept, any broken or unbroken packages of liquor in the said dispensaries, either for their own use or for the use of any other person or persons. The amount of liquor sold in the said sealed packages in the said dispensaries shall in no case be less than one-half pint, nor more than four gallons, and it shall be unlawful for the said managers, or any other person, to open any such package or bottle, or to drink any liquor of any kind within the said dispensaries or within such distance from the entrance to the said dispensaries as the said board may prescribe. The manager shall make a monthly report to the dispensary board, showing the amount of purchases and sales for the preceding month, and the stock on hand on the last day of the month.

7. The price at which the liquor shall be sold in the said dispensaries shall not be less than twenty-five per centum, nor more than ninety per centum above the cost price of said liquors, including freight and drayage.

8. The said dispensary board may cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no spirituous, vinous, or malt liquors shall be sold in the said dispensaries that are not known on the market as pure and unadulterated, and the board may have the liquors purchased analyzed from time to time to ascertain if they are pure as represented. If any liquors are condemned by the chemist making the analysis as impure and unwholesome, such liquors shall not be sold at said dispensaries, and the same shall be returned to the persons from whom purchased, and payment for same refused.

9. No liquors shall be sold in said dispensaries to persons purchasing for the purpose of selling again, and said dispensary board is required to make rules and require the managers to make such investigation as will, so far as practicable, prevent persons from so purchasing; and if the said board becomes satisfied that any person or persons have purchased, or are

purchasing, liquor from said dispensaries for the purpose of selling again, they shall direct the managers as to the quantity to be sold to such person or persons, which shall be such an amount as will probably prevent a resale, and in such case, if the board become satisfied that any person or persons are directly or indirectly purchasing repeatedly for the purpose of reselling, then the dispensary board is authorized to direct the managers not to sell to such person or persons except upon the certificate of a reputable physician that such liquors are needed for medical purposes. The said dispensary board shall have power to employ attorneys, agents, or detectives to assist and aid in the detection and prosecution of any violation of this act, and shall have the power to do all other things not contrary to law in order to carry out the true intent of this act.

10. No liquor shall be sold except for cash, and the net profits arising from the sale of the said liquors by the dispensaries shall be distributed as follows: One-eighth to the State, one-eighth to the county school board for the public schools of the county, and six-eighths to the town of Emporia for general purposes, such distribution to be made semi-annually by the town of Emporia.

11. The receipts from the sales made by the said dispensaries shall be deposited daily by the said managers, one-half in the merchants' and farmers' bank and one-half in the Greenville bank of Emporia, Virginia, to the credit of the treasurer of the town of Emporia.

12. The managers of the said dispensaries shall not allow any person or persons to loiter in or about the said dispensaries, and any person who is violating this provision and refuses to leave at the request of the managers shall be punished upon conviction in the mayor's court of the said town, as may be prescribed by the ordinances of the said town, and the council of the town of Emporia shall, from time to time, pass such ordinances as may be necessary to carry out the provisions of this act, and shall prescribe suitable penalties for violation of the said ordinances.

13. The council of the town of Emporia is authorized to borrow sufficient money in amount to purchase the first stock of liquors for the dispensaries, and pledge the said stock of liquors, and the receipts from the sale thereof as security for the money borrowed for this purpose. The first stock of liquors for the dispensaries shall be purchased for cash, and all future stock on thirty days or cash by the dispensary board, and the invoices for all purchases on time shall be submitted to and audited by the dispensary board once a month, and the town council shall order the treasurer to mail checks in payment of same.

14. The dispensary board shall make and publish an annual report showing in detail the amount of money expended in the purchase of liquors, the amount of money realized from the sale of liquors, the itemized expense of said dispensaries, salary paid managers, dispensary board, and all other moneys expended on account of the said dispensaries, and money received on account thereof.

15. The members of the said board other than the chairman shall be paid for their services five dollars each per month.

16. The treasurer of said town shall be liable on his official bond for all money received by him hereinunder, and shall receive for his services

one-third of one per centum for receiving and disbursing the same. He shall deposit all moneys paid to him under this act, one-half in the Greenville bank and one-half in the merchants' and farmers' bank of Emporia, Greenville county, Virginia, and he shall disburse the said funds as directed by the said dispensary board under the terms of this act.

17. Any person or persons who shall, directly or indirectly, keep or maintain by himself, or by associating or combining with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any club-room or other place in which intoxicating liquors are received or kept for sale, or distribution or division among members of any club or association, shall be guilty of a misdemeanor, and punished by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense, or by confinement in jail of not less than one month nor more than twelve months, or both.

18. In establishing the said dispensaries, the said dispensary board may purchase from the present liquor dealers in the town of Emporia such of their stock on hand May the first, nineteen hundred and six, as may be desirable to keep in the said dispensaries: and provided, they shall not pay more than wholesale cost for the same: and provided, they shall be satisfied that the same are pure.

19. All laws or parts of laws in conflict with this act are hereby repealed so far as applicable to the town of Emporia, Greenville county, Virginia, or within the county of Greenville, Virginia.

20. An emergency existing for the immediate enactment of this law, the same shall be in force from its passage.

Whereas the next general election held for the election of mayor and councilmen for the town of Emporia, Virginia, will be held on the first Tuesday in June, nineteen hundred and six; and whereas, without an emergency clause being enacted in this bill, the said general election will be held before this act can take effect; and therefore an emergency existing for the immediate enactment of this law, the same shall be in force from its passage.

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CHAP. 229.—An ACT to authorize the school board of Atlantic magisterial district, of the county of Accomac, to borrow money for the purpose of erecting, providing, and furnishing school houses in said district, and to provide for the payment of the amount which may be borrowed.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of Lee magisterial district of the county of Accomac, may borrow not exceeding four thousand dollars (\$4,000.00), for the purpose of erecting and furnishing school houses in said district.

2. That said board shall issue its bond or bonds for the money borrowed, payable at such time or times as may be agreed upon, not exceeding fifteen years after their issue, bearing interest not exceeding the legal rate, and payable annually or semi-annually, as may be agreed upon. Such bond or bonds shall be signed by the chairman and attested by the

clerk of the said board, and countersigned by the chairman of the board of supervisors of said county, sealed with the county seal, and attested by the county clerk.

3. From the school levy for said district there shall be paid, as it matures, the interest on the bond or bonds hereby authorized, and then shall be set aside annually, as a sinking fund, such sum as will provide for the payment of the principal when it matures. Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said board may, with the approval of the division superintendent of school for said county, select.

4. The said board shall annually report to the board of supervisors of said county the amount of the debt outstanding and the amount and condition of the sinking fund.

5. An emergency existing, in this that arrangements for the erection of school houses should be promptly made in order to have them ready for the next session, this act shall be in force from its passage.

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CHAP. 230.—An ACT to amend and re-enact an act to provide for the opening, altering, changing, and working the public roads in the county of Warren, approved February 18, 1886, to provide for the working, repairing, opening, altering, changing, and building of the public roads, bridges, ferries, and landings in Warren county, Virginia.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That chapter one hundred and forty-eight of the acts of the general assembly of Virginia of eighteen hundred and eighty-five, eighteen hundred and eighty-six, pages one hundred and forty-seven and one hundred and fifty-three, entitled "an act to provide for the opening, altering, changing, and working the public roads in the county of Warren," approved February eighteen, eighteen hundred and eighty-six, be, and is hereby, amended and re-enacted so as to read as follows:

§1. Be it enacted by the general assembly of Virginia, That there is hereby established for Warren county, in this State, a board of roads, ferries, bridges, and landings, to be known as the road commission. The said road commission shall consist of the county surveyor, who shall be ex-officio a member of said commission, and one member from each magisterial district of said county, to be elected as hereinafter provided, by the people of each magisterial district. The members of said commission, except the county surveyor, shall be residents of the several magisterial districts in which they are elected: provided, that the first road commission under this act shall consist of N. S. Waller, from the Front Royal magisterial district; J. B. Earle, from the Cedarville magisterial district; S. D. Boyd, from the South River magisterial district, and Jesse T. Funk, from the Fork magisterial district, and the county surveyor, who shall hold their offices from July first, nineteen hundred and six, until January first, nineteen hundred and eight, until their successors are elected or a vacancy occurs, which vacancy may be filled as pro-



vided in section two of this act; but before entering upon the duties of their office, the said members, except the county surveyors, shall qualify and give the bond provided for in section three of this act.

§2. The election of the members of said road commission shall be on the first Tuesday in November, nineteen hundred and seven, and every two years thereafter, and said members shall enter upon the duties of their office on the first day of January next succeeding their election, and shall hold their office for a period of two years, unless removed or a vacancy otherwise occurs, in which case another person may be forthwith appointed by the circuit court of said county, or judge thereof in vacation, to fill said vacancy for the unexpired term.

§3. Each of the elective members of said road commission shall qualify on or before January first, next following their election before the clerk of the county court of said county, and shall enter into and acknowledge a bond before said clerk in a penalty of not less than five hundred dollars or more than one thousand dollars. Failure of any member to qualify and give bond as aforesaid shall vacate his office. Such bond shall be made payable to the said county, with condition for the faithful discharge of his duties. A recovery on any such bond shall be for the benefit of the road fund of the district from which said member was elected. At the time each of said members qualifies, he shall take an oath before the clerk of the court that he will fully, faithfully, and impartially perform and discharge all of the duties required of him under this act and by the road commission, of which he is a member.

§4. Each of the commissioners, including the county surveyor, shall receive such compensation out of the road fund as the board of supervisors of said county shall provide, not to exceed two dollars nor to be less than one dollar and fifty cents for each day of ten hours actually employed: and provided, further, that no commissioner shall receive over one hundred dollars per annum.

§5. The road commission shall have the right to use the clerk's office of said county, or any office which shall be assigned to it by the board of supervisors of said county, for holding its meetings, transacting its business, and keeping its records therein. No commissioner, except the county surveyor, shall hold any other elective office during the time he is a member of said road commission.

§6. The said road commission shall elect from its members, its president, secretary, and such other officers as it may deem necessary to have and make its own by-laws; a majority of the commission shall constitute a quorum, and have power to perform all the duties required of it under this act; records and accounts shall be kept of all its proceedings, and copies of all its estimates, and soforth, for the cost of opening, establishing, altering, working, repairing, and maintaining all public roads, bridges, ferries, and landings, in each magisterial district of said county, for the succeeding year, and an itemized report of work done, and by whom, and money expended and to whom paid, and upon what bridges, ferries, landings, and roads, giving the number of miles, and the amount expended in each magisterial district during the preceding year, shall be

made to the clerk of the board of supervisors of each county at least twenty days before its annual meeting.

§7. Any one or more of said road commissioners, with the approval of the commission, may, when necessary, employ a competent engineer to assist him. His compensation to be agreed upon by the commission beforehand, and payable out of the funds of the district employing him.

§8. Application for a new road or bridge, or to change or to discontinue an existing road, or any part thereof, shall be upon the written application of at least five freeholders interested therein; said application shall be addressed to the chairman of the board of commissioners, stating the location, direction, and length of same, setting out the names of the landowners to be affected, what damage, if any, they ask, whether any yard, garden, or orchard will have to be taken, and the probable cost of the work proposed. The said commission, as soon as practicable, shall, with the county surveyor, view the proposed route or site in accordance with said application. In case of an adverse decision thereon, such fact shall be endorsed upon the application, and a minute of it entered upon the commissioner's order book at the next regular meeting, and said application so endorsed shall be filed with the papers of that meeting. In case of a favorable decision thereon, they shall return to the clerk's office of the county a written report and a diagram of such route, site, change, or discontinuance, a minute of said report shall be recorded at the next regular meeting of the board of supervisors in a book to be kept for said purposes. An itemized cost of the view in either case shall be filed with the papers.

§9. Such favorable report shall be deemed a condemnation of the route site, or change described therein for the purposes named in the application from the date of filing said report; and upon the construction and acceptance of any such change of route, it shall operate as a discontinuance of the former road to the extent of such change, unless the said report otherwise directs.

§10. Immediately after receiving such favorable report, the clerk of the board of supervisors shall direct notices to all the landowners or tenants, stating the damages awarded them, respectively; which notices the sheriff of the county shall promptly serve as the general law directs. Similar notices shall be likewise given to the landowners adjoining any route to be discontinued. At the next regular meeting of the board of supervisors, provided fifteen days has elapsed since the service of the aforesaid notices: and provided, further, that a majority of the said board of supervisors are in favor of making the expenditure necessary to do the work proposed, a final order shall be entered, setting out all these facts and directing the clerk to issue the necessary warrants to the landowners for the damages awarded them, and then directing the work to proceed in the manner prescribed by this act; or, if it be a discontinuance, that the same shall then become operative.

§11. No irregularities or informality regarding the notices, reports, and orders, nor as to the time they should be returned or recorded, shall operate as a discontinuance of the application, but proper amendments, corrections, and entries may be made according to the fact, upon such terms as to costs and discontinuances as may be fair and proper.

§12. The board of supervisors, upon the consideration of the commission's report, may hear any legal evidence offered in behalf of the landowners or the applicants, or that they themselves desire, and in estimating the damages beyond a fair price for any land actually taken, they shall fully consider any compensating advantages resulting to the landowner from the construction of the work proposed, and in the final order, may alter the route or site as proposed or named in the application or commission's report and make such modifications, restrictions, and changes as in their judgment would better tend to improve and protect the work proposed and give the best service and safety to the travelling public.

§13. The action of the board of supervisors in the premises shall be final: provided, however, that any person deeming himself aggrieved by its final order may, within thirty days thereafter, appeal therefrom as a matter of right to the circuit court, or the judge in vacation, upon a question of law or upon the amount of damages.

§14. Whenever any member of the board of supervisors is interested in the work proposed in an application, the other members of said board shall decide as to the same. And whenever any member of a district road commission is interested in the work proposed, some other member or members of the road commission shall act in his stead.

§15. Before viewing, the applicants, or some one for them, shall deposit with the clerk of the road commission a sum sufficient to pay the cost of said view and report. For their services the officers shall receive the following compensations—namely: Each member of the road commission viewing, two dollars per day; the sheriff, thirty cents for serving each notice; the clerk, for entering minute of adverse report and filing papers, or for recording favorable report and filing paper, twenty cents, and for each notice of damages, fifteen cents.

§16. All damages for land taken under this act, for the construction of all new bridges over the Shenandoah river and approaches thereto, and the expense of keeping in repair all said bridges and approaches heretofore or hereafter built, shall be paid for out of the aggregate district road funds of the county.

§17. The road commission shall have general supervision and control of the working and keeping in repair the public roads, bridges, ferries, and landings, in said county, and shall see that each commissioner shall severally, properly build, construct, work, repair, and maintain all the public roads, bridges, ferries, and landings in their respective districts. and to this end each commissioner may hire, furnish, equip, and supply necessary forces of hands, teams, and material, for the working and repair of each of the roads and bridges in his district, and if he deems best, place the same under the supervision and management of competent foremen, or may with the written consent of the road commission, entered of record, let the same to contract to the lowest responsible bidder. (The several districts shall, respectively, pay for changing or discontinuing any road and for the costs of the view when there is a favorable report, and for working and keeping in order all the public roads that are now, or may hereafter be made therein.)

§18. Any road commissioner, with the approval of the commission entered of record, may erect and maintain, out of his district road fund, upon any public road in his district a bridge: provided, its costs will not exceed the sum of two hundred dollars, and that the expenditure will not interfere with keeping the roads in said district in proper order during that year.

§19. Whenever the road commission, with the approval of the supervisors, have determined to build a bridge, to make or change a road, which will cost over two hundred dollars, and not more than two thousand dollars, the road commission shall advertise at least twenty days for sealed bids and proposals, reserving the right to reject any and all bids. And on the day named they shall meet at the courthouse and publicly open the same, and with the consent of the board of supervisors, award the contract, unless all bids be rejected, to the lowest responsible bidder. The contract shall be in writing, but shall not be executed by the road commission until the successful bidder has executed a bond with good security, payable to Warren county, in a penalty double the amount of his bid, conditioned that he will faithfully perform all work to be done on his part in a first-class, workmanlike manner, and said contract and bond be approved by the board of supervisors.

§20. Whenever the cost of any such road, including damages for the land taken, and the cost of a bridge, including its sub-structure and approaches and damage for the land taken, exceeds the sum of two thousand dollars, no contract shall be entered into until the regularity and the advisability of the expenditure in the premises and the location thereof be approved by an order of the circuit court, or the judge thereof in vacation.

§21. Should no responsible bidder be accepted to make or change a road under section twenty of this act, the road commission, with the consent of the board of supervisors, shall then employ labor and construct the road proposed, the work to be paid for monthly by the district where work is done upon the usual warrants drawn upon the county treasurer.

§22. Each commissioner shall furnish to said commission an itemized list of all the tools, implements, appliances and machinery, etc., needed for the construction, working, and repair of the roads in his district, and said road commission shall provide, furnish the same, and certify the itemized account therefor to the board of supervisors, who shall, if correct, draw a warrant payable to the party furnishing the same, out of the district road fund for which the same was purchased, and the treasurer shall pay said warrant out of said district road fund, and said commissioner shall annually account for the same to said road commission, which shall keep an inventory thereof and account annually for the same to the board of supervisors of said county, and at the expiration of their several terms of office shall account for and deliver the same to their successors in office and take an itemized, written receipt therefor, which receipt shall be recorded in a receipt book kept for the purpose by the clerk of said road commission.

§23. Each commissioner by and with the consent of the road commission, shall have the power to contract and be contracted with, as hereinbefore set out in section eighteen as to the roads, bridges, ferries, and landings within his district, and may sue and be sued, but no judgment against any member shall bind him personally, but shall be paid by the treasurer out of his district road fund.

§24. The Commonwealth's attorney shall represent the board of supervisors and the several road commissioners, and may be paid therefor a reasonable fee out of the road fund.

§25. All roads or parts thereof hereafter made shall be thirty feet wide, without gates, and the grade thereof shall not exceed three degrees, except at points where the conformation of the ground is such as to make that grade impracticable or the expense excessive. But at such places it may be constructed so as not to exceed five degrees for a distance not exceeding fifty yards.

§26. The board of supervisors of said county shall annually levy the road tax, provided for in Pollard's Virginia Code, annotated, nineteen hundred and four, section nine hundred and forty-four a, subsection twelve, and as therein provided. All taxes levied and collected for road purposes and for building and repairing bridges, shall be expended on the roads, bridges, ferries, and landings in the district from which said tax is collected, except that so much as is necessary to keep in repair the bridges now across or may be built across Shenandoah river shall be paid out of the entire aggregate district road funds of the county.

§27. It shall be the duty of each commissioner to cause the roads in his district to be made and kept cleared, smoothed of rocks and other obstructions, of necessary width, secured from falling timber or earth, crowned in the middle, well drained, and whenever necessary to carry water across the road, it shall be recovered in boxes or culverts wherever practicable, in order to remove, if possible, all humps and by-washes now crossing the surface of the roads. To keep at all forks or crossings plain sign-boards and across each stream a sufficient bridge, bench, or log for foot travellers. They may take from the most convenient lands, outside the right of way, so much wood, stone, gravel, or earth as may be necessary, to construct or repair any road, and for the purpose of draining any road, may cut a ditch through adjoining lands: provided, such material be not taken from, and such ditch be not cut through, any yard or garden without the owner's consent.

§28. If the owner or tenant of any land from which material is taken, outside the right of way, under the preceding section, shall think himself injured thereby, and cannot agree with the road commission as to what is a just compensation for said materials, or for any damage done said lands thereby, either party may apply to justice of the district, and he shall summon three disinterested freeholders to view the land; and after being duly sworn as other viewers, shall ascertain what, in the premises, is a just compensation to the owner or tenant for the same; and they shall report the same to the board of supervisors, who shall, at their next meeting, provide for the payment of the same and the costs out of the district road fund. The summons shall fix the day for the view, and the

freeholders shall have at least three days' notice thereof. The justice and the viewers acting under this or the next section shall each be paid one dollar per day.

§29. Any road commission may, upon any part of a road traversing mountainous or unenclosed land, or the beds of streams change the location of the road at such points in order to improve the grade, drainage, or safety of the same. And if the owner or tenant thereof think himself injured thereby and cannot agree with the road commission as to what is a just compensation therefor, either party may apply to a justice for a summons for three freeholders, as is provided for in the preceding section, who shall proceed in the manner set out therein.

§30. All new roads, or changes therein, on work done, if made of earth principally, shall be made (so far as the part that is made of earth is concerned), after the first day of April, and prior to the fifteenth day of October, in any year. Obstructions, falling timber, keeping drains open, or macadamizing may be attended to during the winter months, as well as at other times, if necessary and expedient.

§31. A day's work shall be for ten hours of actual labor. Under any contract made by the board of supervisors for a bridge, or repairs to one, or for masonry or for macadamizing (if for more than five hundred dollars), there shall be reserved by the said board, as a guarantee for good work and material, not less than ten per centum and not exceeding twenty-five per centum of the contract price, for a period not less than three months, and not exceeding six months; and all damages and deficiencies shall be paid therefrom, and at the end of the time whatever remains thereof shall be paid to the contractors entitled thereto: provided, the work is then found satisfactory.

§32. The road commission shall as soon as practicable cause a map or diagram to be made by the county surveyor of the roads and bridges in said county, with such local names and places marked thereon as may be necessary to describe the same, which map shall be kept by the clerk of the commission.

§33. When public roads and bridges form dividing lines between magisterial districts the board of supervisors shall, by an entry of record, divide such roads and bridges between said districts as they deem best, and the proper road commissioner shall then take charge of and work and repair them in accordance with said division, except the bridges across Shenandoah river shall be kept in repair by the road commission.

§34. The commission is hereby authorized to apply to the circuit court, or to the judge thereof in vacation, for the employment by the road commissioners of all vagrants and convicted criminals, confined in the county jail, to work upon the county road. The labor of such persons, however, shall begin and be upon the first two miles of those main highways, beginning at and radiating from the county courthouse; but this shall not be construed to apply to any street or part thereof lying in the town of Front Royal.

§35. No supervisor, or commissioner of road, or surveyor shall be either directly or indirectly interested pecuniarily in any contract made with the county, or any district under this act. And if it appears to the

board of supervisors or circuit court, upon the examination of such a charge, that such interest really exists, they shall cancel the contract and withhold all pay thereunder from the offending party, or, if already paid, bring suit and recover it.

§36. After any road has been made, or changed, or discontinued, or any bridge erected by the county in pursuance of this act, the proper road commissioner shall report such completion to the next regular meeting of the board of commissioners and supervisors, and a minute of such facts shall be entered upon their respective records.

§37. The board of commissioners are hereby authorized, at any regular meeting, to hear the motion of any interested citizen, provided a twenty days' notice thereof has been given to those interested; and upon legal evidence, to discontinue any gate erected across any public road in the county. And if damages are claimed by any landowner or tenant in possession on account of said removal, then the road commission shall view the road, and report the damages, if any, to the next regular meeting of the said board of supervisors and proceed as under sections twelve and thirteen of this act.

§38. The general road law of the State, not in conflict with this act, shall be in full force in this county, and all special road laws heretofore enacted for this county are hereby repealed.

CHAP. 231.—An ACT to authorize the city council of Fredericksburg, Virginia, to issue its coupon or registered bonds for the purpose of redeeming its seven per cent. indebtedness, and paying off the same.

Approved March 15, 1906.

Whereas the city of Fredericksburg, Virginia, did, in pursuance of an act of the general assembly of Virginia, approved January third, eighteen hundred and seventy-six, issue its coupon bonds bearing seven per centum interest, dated May first, eighteen hundred and seventy-six, and payable on the first day of May, nineteen hundred and six; and

Whereas there are now outstanding and unpaid of said issue of bonds the sum of one hundred and nineteen thousand four hundred dollars which mature and become due and payable on the first day of May, nineteen hundred and six; and

Whereas the city of Fredericksburg is desirous of issuing her bonds bearing four per centum interest to the amount of one hundred and nineteen thousand four hundred dollars for the purpose of refunding and discharging the aforesaid seven per centum indebtedness;

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the council of the city of Fredericksburg, Virginia, in order to refund and discharge its seven per centum coupon bond indebtedness issued in pursuance of the act of the general assembly of Virginia, approved January third, eighteen hundred and seventy-six, to issue coupon or registered bonds, in sums not less than one hundred dollars, to an amount not to exceed the par value of one hundred and nineteen thousand

four hundred dollars, to bear interest at a rate not to exceed four per centum per annum, payable semi-annually, said bonds to be payable thirty years after the date of their issue. The said bonds shall be signed by the mayor and the city treasurer, and attested by the clerk of the council, with the corporate seal of the city affixed thereto, and the coupons shall each bear the signature of the city treasurer signed thereto.

2. That the council of the city of Fredericksburg shall use said bonds so issued or their proceeds, for the purpose of refunding and discharging the aforesaid seven per centum bond indebtedness of the city, and for no other purpose whatever.

3. That the city council shall annually levy and collect taxes sufficient to pay the interest on all bonds issued under this act as the same shall accrue and become payable, and said council shall provide for the payment of the principal of said bonds when the same shall mature; and shall provide a sinking fund for their payment at maturity.

4. That the city council shall have authority to exempt all the bonds issued under this act from all taxation by the city of Fredericksburg, or by the city council, and to make all the coupons of said bonds as they mature receivable for all taxes due the city.

5. That the bonds issued under this act shall not be sold at less than their par value, and the council may make the coupons payable at such bank, or banks, in or out of the State, or at the office of the city treasurer, or both, as said council may see fit.

6. Whereas certain outstanding bonds of the city of Fredericksburg will fall due on May the first, nineteen hundred and six, and must be paid when due, therefore an emergency exists, and this act shall be in force from its passage.

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CHAP. 232.—An ACT to amend and re-enact section 6, chapter 3, and section 9, chapter 3, of an act to provide a charter for the city of Petersburg, approved March 11, 1875, as amended and re-enacted by an act approved March 3, 1898.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section six, chapter three, and section nine, chapter three, of an act to provide a charter for the city of Petersburg, approved March eleventh, one thousand eight hundred and seventy-five, as amended and re-enacted by an act approved March three, one thousand eight hundred and ninety-eight, be amended and re-enacted so as to read as follows:

### *Chapter III.*

§6. The city council shall have, subject to the provisions herein contained, the control and management of the fiscal and municipal affairs of the city, and all property, real and personal, belonging to the said city, and may make such ordinances, orders, and by-laws relating to the same as it shall deem proper and necessary. They shall likewise have the power to make such ordinances, by-laws, orders, and regulations as they



may deem desirable to carry out the following powers, which are hereby vested in them:

First. To establish markets in and for said city; prescribe the times and places for holding the same; provide suitable buildings therefor, and to enforce such regulations as shall be necessary or proper to prevent huckstering, forestalling, and regrating.

Second. To erect or provide, in or near the city, suitable work-houses, houses of correction and reformation, and houses for the reception and maintenance of the poor and destitute. They shall possess and exercise exclusive authority over all persons within the limits of the city receiving or entitled to the benefit of the poor laws, and shall regulate pauperism within the limits of the city, and annually appoint from each ward two overseers of the poor, who shall discharge their duties as prescribed by law.

Third. To compel persons sentenced to confinement in the jail of the city, for petit larceny or other misdemeanors, or violation of the city ordinances, to work on the public streets or property of the city, or to be sent to the poor house, there to perform such labor as the overseers of the poor may direct.

Fourth. To erect and keep in order all of the public buildings necessary or proper for the said city; to open, regulate, and ornament public squares and parks.

Fifth. To provide, within said city, a city prison; and said prison may contain such apartments as may be necessary for the safe-keeping and employment of all persons confined therein.

Sixth. To establish and enlarge water works, gas works, and electric plants within or without the limits of the said city, and for the location, extension, or enlargement of their said works, the pipes, poles, or wires connected therewith, or any of the fixtures or appurtenances thereof, and for the supply of water for the said city and water power for water works, electric lighting, or any other purposes; to contract and agree with the owner or owners of any land, water or water power, including the upper Appomattox company, for the use, purchase, or lease of the same, or to have the same condemned in the manner prescribed by chapter forty-six of the Code of Virginia, in respect to land wanted for the purposes of the city: provided, that such condemnation of the property of or of the water in the canal of the said upper Appomattox company, shall be had only to effectuate any contract or agreement which may be made with said company, and shall not be such as to prevent said company from performing its duties as a navigation company; to take its said supply of water from the Appomattox river at any point at or above said city: provided, said taking shall not be such as to prevent said company from performing its said duties, and, if necessary in order to make such taking legal, or if deemed advisable by said city, to contract and agree therefor with all persons claiming any interest in the water in said river or to have the same condemned in the manner prescribed by chapter forty-six of the Code of Virginia in respect to land wanted for the purposes of a city. They shall have the power to protect from injury by adequate penalties the said works, pipes, poles, wires, and fixtures and land, or

anything connected therewith, within or without the limits of said city, and to prevent the pollution of the water in Lieutenant run, the Appomattox river, or any other source of supply, or any branch or stream flowing into any of them, by prohibiting the throwing of filth, offensive or deleterious matter or liquid therein, or polluting the same in any other manner above said works within fifteen miles above said works: provided, that where natural drainage of any lands is into the said river, canal or other source of water supply, it shall be the duty of said council to properly divert such drainage into some other outlet, at the expense of said city, if they deem such diversion proper or necessary, and they may condemn such land as may be necessary for that purpose.

Seventh. To establish, construct, and keep in order, alter, or remove landings, wharves, and docks on land belonging to or which may hereafter belong to said city, and to lay and collect a reasonable duty on vessels coming to and using same; to prevent and remove all obstructions in and upon such landings, wharves, and docks; to preserve peace and good order upon the same and upon all other wharves and landings in said city. They may also appoint port wardens for the port of said city, prescribe their duties, and fix their fees or compensation: provided, no salary or compensation shall be paid such port wardens out of the city treasury.

Eighth. To close or extend, widen or narrow, lay out, and graduate, pave, and otherwise improve streets and public alleys in the city, and have them properly lighted and kept in good order; and they shall have over any street or alley in the city which has been or may be ceded to the city like authority as over streets or alleys. They may build bridges over and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over or under or in a street or alley, or any sidewalk thereof, and may have shade trees planted along the said streets; and no company shall occupy with its works the streets of the city without the consent of the council. In the meantime no order shall be made and no injunction shall be awarded by any court or judge to stay the proceedings of the city in the prosecution of their work, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

Ninth. To prevent the cumbering of streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatever.

Tenth. To authorize the laying down of street railway tracks and the running of horse, electric, or other street cars thereon, in the streets of the city, under such regulations as they may prescribe.

Eleventh. To regulate and prescribe the breadth of the tires upon the wheels of wagons, carts, and vehicles of heavy draft used upon the streets of said city: provided, however, that this section shall not apply to vehicles coming into and not owned in said city.

Twelfth. To require oil, molasses, vinegar, and spirits of turpentine, ardent spirits, and wines, in casks, to be gauged and inspected; and may make such provisions for the weighing of hay, fodder, oats, shucks, or

other long forage, as will not be in conflict with the act passed the twenty-second of March, eighteen hundred and forty-seven, to prevent the authorities of said city from laying and collecting a tax on the bales of hay sent by the farmers of the State to said city. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

Thirteenth. To require every merchant, retailer, trader, and dealer in merchandise, or property of any description which is sold by measure or weight to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection; and may impose penalties for any violation of any such ordinance.

Fourteenth. To grant aid to societies or associations for the advancement of agriculture and the mechanic arts: provided, such societies or association are located in or near the city, or, in the case of agricultural societies, shall hold their fairs in or near the city; and to provide or aid in support of public libraries and public schools.

Fifteenth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals; to provide for the removal of patients to said hospitals, who may consent to be removed, or who may not be provided at their own residences with necessary accommodations; for the appointment and organization of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties.

Sixteenth. To provide, in or near the city, lands to be appropriated, improved, and kept in order, as places for the interment of the dead, and may charge for the use of ground in said places of interment; and may regulate the same; may prevent the burial of the dead in the city, except in the public burial grounds; may regulate the burials in said grounds, and may require the keeping and return of bills of mortality of the keepers or owners of all cemeteries.

Seventeenth. To require and compel the abatement and removal of all nuisances within said city, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to regulate and prevent slaughter-houses, soap factories, and candle factories, or the prosecution of any dangerous, offensive, or unhealthy business, trade, or employment therein, which may be injurious to the inhabitants of said city; and to regulate the transportation of coal or other articles through the streets of the city.

Eighteenth. If any ground in the said city shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate therein, the council may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them by distress and sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected: provided, that reasonable notice shall be first given to the said owners or their agents. In case of non-resident owners, who have no agent in said city, such notice

may be given by publication for not less than two weeks in any newspaper published in said city.

Nineteenth. To direct the location of all buildings for storing gunpowder, or other combustible substances, and to regulate the sale and use of gunpowder or fire-crackers or fire-works prepared therefrom, kerosene oil, nitroglycerin, camphene, burning fluid, or other combustible material; to regulate or prevent the exhibition of fire-works, the discharge of fire-arms, the use of candles or lights in barns, stables, and other buildings, and to restrain the making of bon-fires in streets and yards, and the marching or torch-light processions through the public streets.

Twentieth. To prevent hogs, dogs, and other animals from running at large in the city, and may subject the same to such confiscations, regulations, and taxes as they may deem proper, and the council may prohibit the raising or keeping of hogs in the city.

Twenty-first. To determine and designate the route and grade of any railroad to be laid in said city; to prevent the riding or driving of horses or other animal at an improper speed; to prevent the running of steam engines at an improper speed within the limits of said city, and to wholly exclude the said engines if they please: provided, no contract or legislative authority be thereby impaired or violated; to prevent the flying of kites, throwing stones, or the engaging in any employment or sports in the streets or public alleys dangerous or annoying to passengers; and to prohibit and punish the abuse of animals.

Twenty-second. To restrain and punish drunkards, vagrants, mendicants, and street beggars.

Twenty-third. To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gaming-houses; to prevent lewd and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who shall not have resided therein as much as one year.

Twenty-fourth. To forbid and prevent the vending or other disposition of liquors and other intoxicating drinks, to be drunk in any boat, store or other place not duly licensed, and to forbid the selling or giving to be drunk any intoxicating liquors to any child or young person without the consent of his or her parents or guardian, and for violation of any such ordinances may impose a fine in addition to those prescribed by the laws of the State.

Twenty-fifth. To prevent the coming into the city, from beyond the limits of the State, of persons having no ostensible means of support, or of persons who may be dangerous to the peace and safety of the city, and for this purpose may require any railroad company or the captain or master of any vessel bringing such passengers to Petersburg to enter into bond, with satisfactory security, that such persons shall not become chargeable to the city for one year, or may compel such company, captain, or master to take them back from whence they came, and to compel such persons to leave the city if they have not been therein more than thirty days before the order is given.

Twenty-sixth. They may make all needful ordinances for the protection of property, and for that purpose may, from time to time, designate such portions and parts of said city as it shall think proper, within which no buildings of wood shall be erected, and may regulate the manner of construction of all buildings. They may prohibit the erection of wooden buildings in any portion of the city, without permission obtained from them, and shall, on the petition of the owner or owners of not less than one-fourth of the ground included in any square of the city, prohibit the erection in such square of any building, or addition to any building, unless the outer walls thereof be made of brick or mortar or some other fire-proof material, and provide for the removal of any such building, or addition which may be erected contrary to such prohibition, at the expense of the builder or owner thereof. And if any building shall have been commenced before said petition can be acted on by the council, or if a building in progress appear clearly to be unsafe, the council may have such building taken down, at the exclusive proper cost of the owners of such. Whenever any building in the said city shall be on fire, it shall be the duty of and be lawful for the chief engineer to order and direct such building, or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down and destroyed; and no action shall be maintained against any person or against the city therefor, but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the council to assess and pay the damages he has sustained. At the expiration of three months if any such application shall be made in writing, the council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection, and payment in the same manner as is provided for the ascertainment, assessment, collection, and payment of damages sustained by the taking of land for the purpose of public improvement. The commissioner appointed to appraise and assess the damages incurred by the said claimant, by the pulling down or destruction of said building, or any part thereof, by the direction of the said officer, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made and confirmed in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the council shall be deemed a full satisfaction of all said damages to the said complainant. But any party feeling aggrieved thereby, may appeal to the hustings or circuit court for the city of Petersburg, which court, in taking jurisdiction therefore, shall be controlled by the laws regulating assessment of damage to real estate in other cases, in all such cases such court taking into account the probabilities of the damage from destruction of the property under the circumstances.

Twenty-seventh. To elect, in joint meeting, a board to be known as the "police commission," and a board to be known as the "fire commis-

sion," each to consist of three members, who shall be qualified electors of the city. The members of the boards first elected hereunder shall be elected on the first day of July, nineteen hundred and six, or as soon thereafter as practicable, for terms of one, two and three years, respectively, and thereafter they shall be elected for terms of three years. But no person shall be elected as a member of either board who shall not receive the votes of a majority of all the members elected to each branch of the council. Their terms shall begin on the first day of July in the year in which they are herein directed to be elected, and they shall continue in office until their successors are qualified. They shall qualify within ten days after their election by taking and subscribing the oath required of other city officers, and filing the same with the city auditor. If a member of either board shall fail to qualify within that time, the council in joint meeting shall elect another in his place, and all vacancies shall be filled by the council, in like manner, for the unexpired term. The respective boards shall elect one of their number president and another secretary, but any two of them shall constitute a quorum for the transaction of business, and in case of the absence of either its president or secretary, may elect a president or secretary pro tempore. A member of either board may be removed for good cause at any time, by the council, in joint meeting, by the vote in the affirmative of a majority of all the members elected to each branch thereof; and if any member of either board is named as an applicant or candidate or as a proper man to be supported as a candidate for any office or to receive such office, the president of the board of aldermen or in his absence the president of the common council, on receiving information thereof, shall notify him of the fact, and if he shall not within ten days thereafter file with the city auditor a statement in writing signed by him that he is neither a candidate nor applicant for such office, and that he will not serve if elected or appointed, the council shall in joint meeting declare his place vacant, and fill the same as hereinbefore prescribed.

Each of said boards shall keep a record of its proceedings, and on the first day of July each year, and oftener if occasion requires, submit to the council a report of its operations and of the condition of the department under its control, and its recommendations for the advancement and efficiency thereof.

In July, nineteen hundred and six, and every four years thereafter, the police commission, as soon as its members shall have been qualified, as hereinbefore prescribed, shall elect a police corps for the city, consisting of such officers and patrolmen as are now or may hereafter be prescribed by the council, whose term of office shall be four years, beginning on the first day of July in the year in which they are herein directed to be elected, and who shall continue in office until their successors are qualified. From the patrolmen it shall designate as many sergeants as the council may prescribe, who may be returned to ranks and others designated by it whenever and as often as the interests of the service may, in its judgment, require, and who shall receive a sergeant's pay, as prescribed by the council, only while filling the position of sergeant. The members of the police force shall perform such duties as may be pre-

scribed by law and the ordinances of the city, and the rules, regulations, and orders of the police commission not inconsistent therewith. The chief of police shall be responsible to the police commission for the good order and efficiency of the force, and all orders to the other officers and patrolmen of the force shall pass through him.

In like manner the fire commission shall, in July, nineteen hundred and six, and every four years thereafter, as soon as its members shall have been qualified, elect a chief of the fire department, and such other officers thereof as the council shall from time to time prescribe, whose term of office shall be four years, beginning on the first day of July in the year in which they are herein directed to be elected, and who shall continue in office until their successors are qualified. It shall also from time to time employ such minute men, at such rate of compensation as the council may prescribe, for such time as it may think proper, and may, at any time, discharge them and employ others.

The members of the fire department shall perform such duties as are or may be prescribed by law and the ordinances of the city, and the rules, regulations, and orders of the fire commission not inconsistent therewith. The chief of the fire department shall be responsible to the fire commission for the good order and efficiency of the department, and all orders to the other officers and minute men thereof shall pass through him.

The police commission and fire commission may each adopt, promulgate, and enforce rules, regulations, and orders for the organization, government, training and efficiency of the force under its control, not inconsistent with the Constitution and laws of the State or of the United States, the ordinances of the city, or the power of the mayor, under the Constitution of the State, to temporarily suspend a member of either force until the offense with which he may be charged can be investigated, and to prescribe what dresses or badges of authority shall be worn by them. As a punishment for any misfeasance in office or neglect of duty, or the infraction of any rule, regulation, or order, adopted for the government or conduct of the police and fire departments, respectively, or their members, the police commission, or the fire commission, as the case may be, may fine the offending member of the department under its control not exceeding twenty dollars, or suspend him not exceeding twenty days, or remove him from office: provided, he is first given an opportunity to be present and to be heard touching the charge against him. At such hearing he shall have the right to be confronted with the witnesses against him, and to introduce evidence in his defense. In case a fine is imposed it shall be deducted from his pay, and in case of suspension it shall be without pay during its continuance. In case of suspension or removal the accused may appeal of right within five days thereafter to the judge of the hustings or corporation court, who shall hear the case *de novo*, without a jury, in term time or in vacation, and his decision shall be final. In time of exigency the police commission, or any one of them, if the others be absent from the city or be unable to act, may appoint temporarily, without authority from the council, a suitable number of additional policemen for such time, not exceeding five days, as shall appear necessary, at such compensation as is paid to the regular policemen.

The person so appointed shall be subject to the same government and control as the regular police force, and shall perform such police duties as may be assigned to them. The mayor may, by warrant in writing, signed by him, confer police powers upon the port warden, the clerks of the markets, the keepers of the parks and cemetery, the watchmen and custodians of the city reservoirs, the janitor of the courthouse and other public buildings, and such other officers and employees of the city as shall have custody of any other of the city's property, to be exercised with respect to the property under the charge of the person so appointed.

§9. On the first day of July, nineteen hundred and six, or as soon thereafter as practicable, and every four years thereafter, the council, in joint session, shall elect all city officers not elected by the people, except the members of the police commission and the fire commission hereinbefore provided for, for terms of four years, beginning on the first day of July in the year in which they are herein directed to be elected. The city officers so elected shall continue in office until their successors are qualified. The council in joint session shall have power by the affirmative vote of a majority of all the members elected to each branch thereof to remove from office for malfeasance, misfeasance, gross neglect of duty, or for gross incompetency, any officer elected or appointed by it under and by virtue of the terms of this act, such removal to be deemed a vacation of office. Where such vacancy occurs, or where a vacancy occurs from any other cause, in any of said offices, the council in joint session shall fill the same.

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CHAP. 233.—An ACT to repeal an act approved February 14, 1898, entitled an act providing for working and keeping in order, building, and maintaining the public roads and bridges in the counties of Scott and Lee, the opening and establishing of new roads, and to provide funds therefor, as amended and re-enacted by an act approved March 3, 1898.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That an act approved February fourteenth, eighteen hundred and ninety-eight, entitled an act providing for working and keeping in order, building and maintaining the public roads and bridges in the counties of Scott and Lee, the opening and establishing of new roads, and to provide funds therefor, as amended and re-enacted by an act approved March third, eighteen hundred and ninety-eight, be, and the same is hereby, repealed.

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CHAP. 234.—An ACT to amend and re-enact the first section of an act entitled "an act to authorize the governor to grant conditional pardon to persons confined in the penitentiary upon recommendation of the board of directors of said institution," approved March 3, 1898, as amended by an act approved February 3, 1900, as amended by an act approved May 1, 1903, and further amended by an act approved March 7, 1904.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That an act to authorize the governor to grant conditional pardon to persons confined



in the penitentiary upon recommendation of the board of directors of said institution, approved March third, eighteen hundred and ninety-eight, as amended by an act approved February third, nineteen hundred, as amended by an act approved May first, nineteen hundred and three, and further amended by an act approved March seventh, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§1. Whenever it appears to the board of directors of the penitentiary that a prisoner in that institution who was sentenced to the penitentiary for any crime, has served out half of his term of imprisonment for which he was sentenced, that he has kept the prison rules for the two years next preceding the date of the expiration of one-half of his term (if he shall have been confined in the penitentiary so long), as shown by the prison records, and that he is a fit person to receive such parole, said board may, in its discretion, parole him during the remainder of his term of sentence upon such terms and conditions as it may prescribe, if he has an assurance satisfactory to said board that he will have employment as soon as he is discharged, or if otherwise so provided for that he will not be dependent upon public or private charity. If the record shows that the prisoner shall have been punished within the said preceding two years, he shall have the right to present his application for parole to said board of directors for consideration, and if said punishment which was inflicted during the said preceding two years was not for a crime of a felonious nature, then the said board of directors may grant the parole as if said prisoner had not been punished within the two years preceding his application.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

CHAP. 235.—An ACT to amend and re-enact sub-section 1 of section 184 of the Code as amended and re-enacted by an act entitled "an act to amend and re-enact title 8 of the Code of Virginia, in relation to salaries, mileage, and other allowances," approved February 7, 1903.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That subsection one of section one hundred and eighty-four of the Code of Virginia, of an act entitled "an act to amend and re-enact title eight of the Code of Virginia, in relation to salaries, mileage, and other allowances," approved February seventh, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§184. In the legislative department.—First. Salary of members and officers of the general assembly.—The president of the senate and the speaker of the house of delegates, each the sum of seven hundred and twenty dollars, and the other members of the general assembly, each the sum of five hundred dollars for attendance and services at each regular session of the general assembly; and at all extra sessions, the president of the senate and the speaker of the house of delegates, each three hundred and sixty dollars, and the other members of the general assembly, each the sum of two hundred and fifty dollars for attendance upon the

duties of their respective houses; the said salary to be paid in the following manner: To the president of the senate and the speaker of the house of delegates, each the sum of eighty dollars per week, and the other members of the general assembly, each the sum of fifty-six dollars per week, until their respective salaries are exhausted, or until the general assembly adjourns; at which time the whole amount of their salaries remaining unpaid, if any, shall then be paid. Any sick member, or one who shall have obtained leave of absence, shall receive such salary as is due him in the same manner as if he had been in his seat.

If during any session of the general assembly any member shall die, or otherwise, vacate his seat, and his successor be elected, the personal representative of the deceased member shall receive the uncollected compensation up to the date of the death of such deceased member, and the successor of the said deceased member shall receive said per diem beginning from the date of his election, and members of legislative committees which may sit during any recess of the general assembly may receive compensation at the rate of six dollars per day for the time actually employed in the discharge of their duty.

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CHAP. 236.—An ACT to make the possession of a United States internal revenue tax receipt for the sale of ardent spirits prima facie evidence of sale.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the possession of a United States internal revenue tax receipt for the sale of ardent spirits in this State shall be prima facie evidence of the sale of such spirits, and a United States internal tax receipt for the sale of malt liquors shall be prima facie evidence of the sale of such malt liquors. And whenever the holder of such a receipt shall not be licensed to sell wine, ardent spirits, malt liquor, or any mixture of any of them, under and in accordance with the laws of Virginia, and shall be prosecuted or otherwise proceeded against for the illegal sale of such wine, ardent spirits, malt liquors, or any mixture of any of them, the burden of showing that he has not violated the law shall be upon him, and in the absence of satisfactory proof that he has not violated the law he shall be convicted of selling wine, ardent spirits, malt liquors, or any mixture of any of them, as the case may be, and fined as provided by law for the sale of such liquors without license.

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CHAP. 237.—An ACT to amend and re-enact section 2070a of the Code of Virginia, as amended by an act approved March 14, 1903, providing when and how unlawful to hunt, etc., as amended and re-enacted as to sub-section 2 thereof by an act approved March 14, 1904.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section two thousand and seventy a, of the Code of Virginia, as amended by

an act approved March fourteenth, nineteen hundred and three, providing when and how unlawful to hunt, etcetera, as amended and re-enacted as to subsection two thereof, by an act approved March fourteenth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§2070a. When and how unlawful to hunt, etcetera, and power of boards of supervisors.

First. It shall be unlawful for any person to shoot at, kill, or capture any wild water fowl or wild turkey at any time during the night in this State, or at any time to capture them in traps or nets or other contrivances, or to use reflectors or other lights, or sneak boats or artificial islands in detecting or capturing or shooting of wild fowl or game of any kind, or to hunt or shoot muskrats at night with a light in the tidewater sections of the State, or to shoot at any game on land or water in this State with a gun larger than an eight bore. All sneak boats, nets, traps, or reflectors or other unlawful appliances so used or found in the possession of any person shall be seized by any game warden or other officer and held by him as evidence, but the same shall not be destroyed except by the order of the court or justice having jurisdiction, upon warrants duly issued, which said court or justice shall, upon satisfactory evidence of the guilt of the party or of the unlawful nature of the article seized, order the same to be destroyed. The possession of any of said guns, sneak boats, nets, traps, reflectors, or other unlawful appliances shall be prima facie evidence of the guilt of the person in whose possession they are found.

Second. It shall be unlawful for any person to hunt, kill, or capture in any manner, or buy, offer for sale, or have in possession any wild turkeys, pheasants, or grouse, quail, or partridges, or woodcock east of the Blue Ridge mountains between February the first and November the first, and west of the Blue Ridge mountains between December the thirty-first and November the first, or to track or hunt any of them in snow, except wild turkeys, or to trap or net them at any time, or to destroy their nests, eggs, or young at any time, or to kill, chase, or capture, or buy, offer for sale, or have in possession, any wild deer between January the first and October the first, or to track or hunt them in snow, or to kill or capture, or buy, offer for sale, or have in possession, any winter wild water fowl between April the first and October the fifteenth, or summer or wood ducks between January the first and August the first, or any rails, mud hens, gallinules, plovers, except black breast plover, green head plover, and white plover, snipe, except Wilson or English snipe or robin snipe, sand pipers, willets, or tattlers, between January the first and July the twentieth, or robins between March the first and December fifteenth.

The possession of any of said game birds or game animals, or parts thereof, protected by the laws of this State, during the season in which it is unlawful to hunt, kill, chase, or capture the same, shall be prima facie evidence of the guilt of the party in whose possession they are found.

Third. It shall be unlawful to shoot or otherwise hunt any wild fowl or any game birds, or game animals, protected by the laws of this State, later than an half an hour after sunset or earlier than an half an hour before sunrise, or to shoot or hunt any game in this State on Sunday.

Fourth. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five or more than fifty dollars, or imprisoned in jail for not more than thirty days, or both fined and imprisoned, at the discretion of the justice or jury trying the case.

Fifth. All acts or parts of acts in conflict with this section are hereby repealed, but the board of supervisors of any county shall have the power to shorten the open season in their said county, and may permit the shipment of wild water fowl from said county or out of the State, and by regulations, not inconsistent with the provisions of this section, may further protect the game within their said county, and may include in such protection other game not specifically mentioned in this section.

Sixth. Nothing in this section shall be construed to refer to the bird known as sora.

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CHAP. 238.—AN ACT to authorize the city of Bristol, Virginia, to make additional issues of bonds for the extension of its water works system, and for the acquirement of an additional source of water supply.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the council for the city of Bristol, Virginia, may issue the bonds of the said city to the amount not exceeding one hundred and twenty-five thousand dollars, in addition to the issue of bonds authorized by acts of assembly approved February fourteenth, nineteen hundred and one, and the act of assembly approved April second, nineteen hundred and two, and the act of assembly approved March fifteenth, nineteen hundred and four, for the purpose of enlarging, extending, and improving its water works system and for acquiring, operating, and maintaining an additional source of water supply.

2. Said bonds shall be issued in denominations of not less than one hundred dollars, nor more than one thousand dollars at such times as the council for said city may determine, and shall bear interest at the rate of not more than five per centum per annum, payable semi-annually, and represented by coupons attached, and said bonds and interest shall be payable at such place as said council may provide. Said bonds shall become due not later than thirty years after the date thereof, and shall be signed by the mayor and countersigned by the clerk of said city. The bonds herein authorized to be issued may be issued, anything in the charter of said city of Bristol, Virginia, to the contrary notwithstanding.

3. The said bonds shall constitute a lien upon the entire water works system, so construed, in addition to being pledged by the faith, credit, and all properties belonging to the said city, subject, however, to limitations provided in section number one hundred and twenty-seven of the Constitution of Virginia.

4. The council of the city of Bristol, Virginia, is hereby authorized and directed to levy a special tax, in so far as allowed by law, upon all of the taxable property in the said city of Bristol, Virginia, for the payment of the principal and interest of the bonds hereby authorized. Said tax

shall be levied annually at the time, and in the manner taxes for the current expenses of said city are levied, and the coupons attached to said bonds may be receivable in payment of the taxes due the city of Bristol. And the special taxes hereby authorized, and any other collections or revenues reserved by the council of said city for same shall not be used for any purpose other than the payment of the principal and interest of said bonds, or in making investments for the sinking fund for said principal of said bonds.

5. The said bonds are to be issued when approved by the affirmative vote of the majority of the qualified voters of said city, voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special election held for that purpose.

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CHAP. 239.—An ACT to amend and re-enact section 58 of an act entitled "an act to put into effective operation the provisions of the Constitution relating to the creation, appointment, and organization of the 'State corporation commission,' its jurisdiction, powers, functions, and duties; the qualifications of the members and officers thereof, their appointment, and salaries; the location of its offices, and places and times of its public sessions; its writs, processes, orders, findings, and judgments; appeals from its orders, findings, and judgments, and its expenses," etc., approved April 15, 1903.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia. That section fifty-eight of an act entitled "an act to put into effective operation the provisions of the Constitution relating to the creation, appointment, and organization of the 'State corporation commission,' its jurisdiction, powers, functions, and duties; the qualification of the members and officers thereof, their appointment and salaries; the location of its offices, and places and times of its public sessions; its writs, processes, orders, findings, and judgments; appeal from its orders, findings, and judgments and its expenses, etc., approved April fifteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§58. "If the works of any internal improvement company be not commenced and be completed within the time prescribed by law, or by its charter, or if after such works be completed, the company abandon them, or for three successive years cease to use and fail to keep them in good repair, in each of these cases the State may proceed against such company by writ of quo warranto, or information in the nature of a writ of quo warranto" in the circuit or corporation court having jurisdiction over the county or city in which the principal office in this State of such corporation is located.

Whenever there is a judgment of dissolution in such proceedings the corporation shall nevertheless be continued for such length of time as may be necessary for the purpose of prosecuting and defending suits by and against it, and of enabling it to recover what it may be entitled or gradually to settle and close up its business, to dispose of its property, and to divide its capital as may be provided by law in the case of other cor-

porations which may have expired or been dissolved, all of which proceedings shall be under the supervision and subject to the control of the court rendering such judgment. The court may enter such orders as may be proper to provide for the operation, under its supervision and control, of such work of internal improvement until a sale is made.

When the works of any such internal improvement company are sold and conveyed to the purchaser, in such proceedings as are herein provided for, he shall forthwith be a corporation by any name which may be set forth in such conveyance, upon his complying with the provisions of section thirty-six of chapter five of an act entitled "an act concerning corporations," which became a law May twenty-first, nineteen hundred and three, and to the corporation thus created all the provisions of section thirteen of chapter two of the "act concerning public service corporations," approved January eighteenth, nineteen hundred and four, and all other provisions of law relating to such corporations shall apply.

2. It being desirable, for the encouragement of railroad construction of this State that this act should immediately take effect, an emergency is hereby declared, and this act shall be in force from its passage.

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CHAP. 240.—An ACT to amend and re-enact section 1470 of the Code of Virginia, relating to the division of school districts and sub-districts, so as to provide for such division; for the government and administration of such sub-districts; for additional school tax therein; and for appointment of school directors, providing for their terms of office, powers, duties, for adoption of this act by the counties of the State, and for relief from such adoption.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and seventy of chapter sixty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

§1470. Division of school districts into subdistricts; for government and administration of same; for additional school tax therein; and for appointment of school directors, providing for their terms of office, powers, duties, etcetera.

2. That in due time, before the opening of the schools in the year nineteen hundred and seven, or in any year thereafter of or next following the adoption of this act by any county, it shall be the duty of each district school board throughout the State, in each county in which this act may be adopted, as hereinafter provided, to determine, by specified boundaries what shall be the area to be attached to each school-house for a primary school for white children, and to each school-house for a primary school for colored children in the respective districts. These areas shall be called subdistricts, and their boundaries and number may be changed from time to time, at the discretion of the district board, but both in establishing and altering the boundaries of such subdistricts such board shall be governed by the provisions of section one thousand five hundred and three of the Code of Virginia, as amended, and the action of such board, whether in establishing or altering such subdistricts, shall

not become effective until the same is approved by the State superintendent of public instruction. The subdistricts for the white children shall be renumbered with cardinal numbers, and the subdistricts for the colored children shall be lettered with capital letters, the letters being further distinguished by cardinal numbers each time the letters of the alphabet are exhausted, as A-1, B-1, etcetera, A-2, B-2, etcetera. On completion of their action under this and the next following section said district board shall report the same promptly to the State superintendent of instruction, and the latter on receipt of such reports shall promptly certify, to the board from which received, his approval or disapproval of the number of subdistricts reported, and if he disapproves of such number, he shall certify his reasons for such disapproval. In the latter case the said board on receipt of such disapproval, shall make a record of same on its minutes, and promptly proceed to re-establish their subdistricts so as to conform to such ruling of the State superintendent and report same promptly back to the latter, who shall record such report in his office and certify the original thereof with his approval back to said board; whereupon the latter shall record same on its minutes and certify the original to the clerk of the county, who shall record same in his office in a separate book, which he shall provide at the expense of the county school fund for the purpose. The subdistricts for white and colored children, respectively, shall be considered as separate subdistricts, although the territories may overlap each other, for all the purposes and in the construction and application of this act, and only white persons shall vote in the meetings of subdistricts for white persons, and only colored persons shall vote in meetings of subdistricts for colored persons.

3. Whenever it may be found necessary for the convenience of the people, a subdistrict may be made to include portions of two or more school districts, or portions of two or more counties. Every subdistrict thus formed shall be under the supervision of the district school board, the county school board, and the school trustee electoral board on whose territory the school-house is situated. When it is desired to form a subdistrict from parts of two or more districts in the same county, the matter shall be considered by the district school boards of the districts affected and on their mutual agreement, the boundary lines shall be established. But in case these boards fail to agree, either one of the district school boards affected may appeal to the county school board of the county. In like manner, if it is desired to form a subdistrict from districts belonging to different counties, the boundary lines may be established by the mutual agreement of the school boards of the districts affected. But in case these boards fail to agree, either one of the district school boards affected may appeal to a board of reference, to be composed of the division school superintendent or superintendents of the counties affected, together with the chairman of some district school board of one of the counties affected, to be selected by this superintendent or these superintendents, and the decision of this board of reference shall be final both as to establishing such subdistricts and as to subsequent changes therein. Any doubtful question as to the location of the primary school-house in such subdistrict contemplated by this act

shall be decided in the same manner as the number of subdistricts and the question of boundary lines; and no action under this section shall become final until the same is approved by the State superintendent of public instruction.

4. No children from beyond the limits of a subdistrict shall be received into the school therein, except such as bring a special written permit issued and signed by the school directors of such subdistrict. The school directors of the subdistricts may grant such permits, and to children from other subdistricts, but only to such children as have their tuition and other expenses to the subdistrict fully provided for, by agreement with the school directors from whose territory such children come, or by being paid for privately to the subdistrict: provided, that the privileges of the children residing in the subdistrict shall in no wise be interfered with injuriously by the admission of children outside the boundaries of such subdistrict.

5. As soon as practicable, after the approval of the State superintendent of public instruction of the subdistricts, the district boards of the districts in which such subdistricts are located, respectively, shall, after fifteen days' notice, posted at every postoffice in the district, appoint and call a meeting of all persons having the right to vote at subdistrict meetings as hereinafter provided, at some convenient place in each subdistrict, for the organization of such subdistricts, respectively; for adoption of by-laws; for election of school directors of such subdistricts; and for such other purposes as may be lawfully acted upon by such meetings.

6. At such meetings, and all subsequent subdistrict meetings, hereinafter provided for, all male persons qualified to vote for members of the general assembly of Virginia residing in such subdistrict and who are assessed with school taxes shall be entitled to vote upon all questions concerning such subdistrict school affairs; and any person entitled to vote at any such meeting may be chosen thereby as a school officer of such subdistrict.

7. At such organization meetings, respectively, a chairman shall be chosen by a majority vote of the meeting. The chairman shall appoint a secretary. It shall be the duty of the clerk of the district school board of the district in which such subdistrict is located to furnish the meeting in question with a copy of this act (the same to be furnished to him by the superintendent of public instruction), and such act shall either be read to the meeting, or the substance thereof explained to the same by the chairman. This being done, the secretary shall make a list of all persons present entitled to vote. If it be ascertained that less than one-fourth of the persons of the subdistrict entitled to vote are present, the meeting shall be adjourned from time to time until at least such one-fourth in number of such persons are in attendance. Such attendance of one-fourth in number of such persons shall be necessary for the transaction of business in this organization meeting, and in all subsequent meetings hereinafter provided for.

8. When it shall be ascertained that the meeting is lawfully constituted to transact business, it shall then proceed to adopt by-laws to define and provide for the manner of calling future subdistrict meetings, annual and



special; what person shall preside over the same; the proceedings thereat; the method of voting, except that all voting at this and all subsequent meetings shall be by written ballots; the duties of the officers of such subdistrict; and for the governing of other matters pertaining to the welfare of the school of the subdistrict not contrary to law. The by-laws may be changed or added to at any lawful meeting of the subdistrict, annual or special.

9. The officers of each subdistrict shall be three school directors, who from among their number shall choose one as chairman, another as treasurer, and another as clerk; all such officers shall hold their office for one year, or until their successors are chosen and qualify. Before entering upon their terms of office such officers shall take the oath prescribed by section eight hundred and twelve, and any of them may be required by the by-laws of such subdistricts to give bond in the penalty and with the surety prescribed by such by-laws: provided, that the subdistrict treasurer shall give bond of the form prescribed by law for county treasurers with some solvent surety company doing business in the State as surety in a penalty equal to double the amount of the total subdistrict school levy for the ensuing year. The compensation of such officers, respectively, if any, shall be provided for by each subdistrict in annual meeting. Any two of such school directors shall constitute a quorum for the transaction of the business of their board.

10. The school directors of each subdistrict shall constitute a subdistrict school board, and shall be a body corporate under the name and style of the "subdistrict school board of subdistrict number —— (or letter)," as the case may be, "of the county of ——," by which name it may sue and be sued, contract, and be contracted with.

11. The first election of officers shall be at said organization meeting, and subsequent elections of officers shall be at the annual subdistrict meetings. Vacancies occurring between annual meetings shall be filled by the remaining school directors, and appointments thus made shall be valid until the next subdistrict meeting. Should the school directors not be elected or appointed, as above provided, the district school boards of the districts in which such subdistricts are located, respectively, shall make the appointments.

12. It shall be the duty of the secretary of the meetings to report within ten days thereafter to the district board in which such subdistricts are located, respectively, the names of the subdistrict officers chosen and also such other action as may be taken by such meetings.

13. No one shall be chosen a school director who is unable to read and write.

14. Special subdistrict meetings may be called at any time by the subdistrict school board, or, on application in writing of any ten persons entitled to vote in such meetings, as above provided, the chairman of such subdistrict board may call any special meeting.

15. The annual subdistrict meetings, subsequent to the organization meetings, shall be held during the month of May of each and every year, and other special meetings at such times as they may be called, as above provided. Annual and special meetings may be held at any place for

which they are called within the subdistrict, and may be adjourned from time to time to any place within the subdistrict. A majority vote of those present at such meetings, annual or special, provided there be present at least one-fourth of the persons of the subdistrict entitled to vote thereat as above provided, shall be decisive of all questions voted upon thereat.

16. If the officers of the subdistrict unreasonably refuse to call a subdistrict meeting, a justice of the peace of the district in which such subdistrict is located, upon application of ten or more persons of the subdistrict entitled to vote at the meetings thereof, as above provided, may call such meeting, annual or special, by a warrant under his hand, directed to any constable of the district, if any, otherwise to any person applying therefor, directing same to summon the persons entitled to vote at such meeting as above provided, to assemble at the time and place and for the purpose expressed in the warrant.

17. The division superintendents of the public schools of the division in which such meetings are held, respectively, shall be entitled to be present at any of said meetings and take part in the discussion of any and all questions and to give advice and instruction, but shall not be entitled to vote thereat by virtue of this section.

18. At said organization meetings, and at said annual meetings thereafter, said subdistricts, respectively, may, unless the county and district school tax in such county already levied, as may be otherwise provided by law, aggregates five mills on the dollar, by majority vote, which shall include a majority of the freeholders of such subdistrict, make, grant, and vote in favor of a special levy, as a subdistrict school tax, of such amount as they may judge necessary (provided, the aggregate of county, district, and subdistrict school taxation shall not exceed five mills on the dollar) for the further support of the public schools of such subdistrict, including supplement to the teacher's salary and supplement to the expenses of furniture, apparatus, repairs, fuel, for the salary of the subdistrict school officers, if any, and for all other necessary charges affecting the efficiency and welfare of the schools of such subdistricts, respectively; and such vote in favor of such levy shall be recorded on the minutes of such meeting, and a copy of such minute shall be certified to the board of supervisors. Whereupon the board of supervisors, at its next meeting at which it lays the general county levy for the ensuing year shall, in addition to the county and district school tax otherwise provided for by law, levy for such ensuing year such subdistrict school tax as may have been voted in the respective school subdistricts of the county, and provide for the collection of the same in accordance with the provisions of this act; which action of the board of supervisors shall be forthwith certified by the clerk thereof to the clerks of the respective school subdistricts affected. Thereupon the clerk of said subdistrict school board shall, in a book kept for the purpose, apportion and extend such levy against the owners of all property, real and personal, within such subdistrict, and other subjects of taxation which should be taxed therein as herein provided, which may be assessed against such owners and subjects of taxation upon the land and property books of the county for the cur-

rent year and at the valuation fixed by such books. Thereafter, such clerk shall make off from such book kept by him as aforesaid tax tickets against the proper persons for such subdistrict school tax levy, and place them in the hands of the treasurer of such subdistrict on or before November first of the current year, and such treasurer shall proceed to collect the same, and on all such tickets not paid by December first of the current year there shall be five per centum of the amount thereof added thereto. Said school subdistrict treasurer, for the collection of such subdistrict school taxes shall have all the powers of distress and levy that may be given by law to county treasurers for the collection of other taxes; and each such tax ticket which may not be paid in any year, shall be attached to the tax ticket rendered against the same person for the succeeding year or years, until paid, and all of such tax tickets shall be and remain in date, and the subdistrict treasurer shall have the same powers from year to year with respect to the collection of all such uncollected tax tickets as he may have with respect to tax tickets for the current year; and such respective subdistrict school funds shall be paid out by the subdistrict treasurer thereof upon warrants signed by the chairman and countersigned by the clerk of such subdistrict board of the form hereinafter prescribed; and reports shall be made by such treasurer, annually, to the subdistrict annual meeting, and settlement shall be made by such treasurer annually preceding such annual meeting with the subdistrict school board with respect to such subdistrict school funds, and the result of such settlement and the levy voted at each annual school subdistrict meeting shall be promptly certified by the clerk of such subdistrict board to the school board of the county, and by the latter certified to the division superintendent of schools along with the estimates provided for in section fourteen hundred and forty-seven. Every school subdistrict treasurer, on going out of office, shall deliver to his successor all uncollected tax tickets, books, and papers belonging to his office and all money belonging to his school subdistrict fund, and such successor shall have the same powers with respect to the collection of all such uncollected tax tickets as he has with respect to tax tickets for the current year. For every breach of any condition of the bond of every school subdistrict treasurer, action shall be brought at the relation of his successor (and such successor shall institute same promptly on coming into office), for the benefit of the school subdistrict, before a justice of the peace, if for a sum not exceeding one hundred dollars, and if for a sum exceeding that amount, then in the circuit court of the county, or the same may be recovered by motion in said court, after five days' notice. Upon any judgment rendered in such suit or motion a writ of fieri facias may issue, which shall conform in all respects to writs of fieri facias issued under chapter thirty of the Code of Virginia, as amended, and be proceeded with in the same manner.

The school directors of each subdistrict shall also have the following powers and duties:

1a. To explain, enforce, observe, and to make rules in execution of the by-laws of their respective subdistricts and supplementary thereto, when necessary, for the government of the school of their respective subdistricts.

2a. To call general and special meetings of their respective subdistricts, as provided for by the by-laws thereof and by law.

3a. To contract with the teacher of the school of their subdistricts with respect to the supplement, if any, such subdistrict is to add to the salary of such teacher, in addition to the salary paid same from the State, county, and district school funds; and, subject to the rules and regulations of the district school board in which such subdistrict is located, and subject also to said by-laws, and such action as said subdistrict meetings may have taken with respect thereto, if any, to contract for and authorize any other expenditures to be made by the subdistrict with respect to the supplement, if any, such subdistrict is to add to the funds provided from the State, county, and district school funds, for the expense of furniture, apparatus, repairs, fuel, and other necessary charges affecting the welfare and efficiency of such schools; and to provide for payment of such supplement to the teacher's salary and of such expenditures, including the pay of the clerk of such subdistrict board of school directors and of the school directors thereof, if any, as fixed by the next preceding annual meeting of such subdistrict.

4a. To examine all claims against the subdistrict, and, when approved, to pay the same by warrants drawn on the subdistrict treasurer signed by the chairman of such subdistrict school board of directors and countersigned by its clerk, payable to the person entitled to receive such money, and stating on its face the purpose or service for which it is paid, and that such warrant is drawn in pursuance of an order entered by the board of school directors of the subdistrict in question (designating same plainly by proper number or letter, on the \_\_\_\_\_ day of \_\_\_\_\_ (designating the date of the order)).

5a. To visit the school of their respective subdistricts not less than once each month throughout the school session and take care that it is conducted according to law and with the utmost efficiency. They shall also do what they can to secure the enrollment and regular attendance of children at school and to promote the appreciation and desire of education among the people.

6a. To determine what shall be the length of school session in their subdistricts, respectively, each year, in addition to the school session which is authorized by other proper school authorities for the expenses of which additional length of session the subdistrict shall be responsible.

7a. To do all in their power to protect and improve the school property, and to render it comfortable, decent, and attractive. They shall also support and counsel the teacher and do what they can to secure justice and harmony among all concerned.

8a. To report any matter required by the said division superintendent of school at any time called upon.

9a. To perform such other duties as may be prescribed by the State board of education or which may be imposed by law.

20. This act shall not interfere with the duties and authority of the division superintendent of schools in respect to teachers and schools as heretofore provided by law. Nor shall this act be considered as applicable to cities or towns set off as separate school districts, having more

than one primary public school, except that such city or town districts are hereby empowered to extend their lines beyond the corporate limits, so as to embrace the children in the suburbs when the district school boards of the districts which may be affected thereby shall agree upon the same. And in case of disagreement, the matter shall be determined by appeal, as hereinbefore provided; and where new lines have been established for school districts the apportionment of school money to the school districts shall be made to conform to such change.

21. It shall be the duty of the State board of education to make all such rules and regulations as may be needed for carrying into effect the provisions of this act.

22. Any State superintendent of public instruction, clerk, district school trustee, division superintendent of schools or subdistrict school officer failing or refusing to comply with the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor, and be punished by a fine of not less than fifty and not exceeding one thousand dollars.

23. This act shall apply to those counties, and only to those, in which it may be adopted, after due consideration, by the county school boards thereof, respectively: provided, that the county school board of any county in which this act shall be adopted as aforesaid may, if in its judgment the operation of the same is injurious to the interests of education, apply to the State board of education for relief to the county from the provisions of the act, and the said board shall have power to grant such relief.

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CHAP. 241.—An ACT to authorize the school board of Clifton school district, in the county of Alleghany, to borrow a sum of money not exceeding six thousand dollars, for the purpose of enlarging and improving the public school building in the town of Clifton Forge, in said school district in said county, and for purchasing or condemning real estate adequate to such improvement.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of the Clifton school district, in the county of Alleghany, be, and the same is hereby authorized to borrow a sum of money not exceeding six thousand dollars, for the purpose of enlarging and improving the public school building in the town of Clifton Forge, in said school district, in said county of Alleghany, and for the purchasing or condemning real estate adequate to such improvements, and to issue bonds therefor, payable out of the school funds of said district.

2. The said school board shall issue its bonds in such denominations as the said board shall prescribe, for the money borrowed, bearing a rate of interest not exceeding six per centum per annum, which bonds shall run twenty years, with the right reserved in said school board to pay them, or any of them, at any time after five years. Such bonds shall be signed by the chairman and attested by the clerk of the said school board, and countersigned by the chairman of the board of supervisors of Alleghany county, and sealed with the county seal and attested by the county clerk.

3. Said school board shall provide for the interest accruing annually on said bonds, and shall set aside annually a sum equal to at least one-twentieth of the principal of said bonds, as a sinking fund for the ultimate redemption of said bonds, out of the district school funds which may from time to time be under its control.

4. Said bonds shall be either registered or coupon bonds, and may be issued and sold by said board as herein above provided, but shall not be sold for less than their par value.

5. The said school board shall annually report to the board of supervisors of said county, the amount of the debt outstanding and the amount and condition of the sinking fund.

6. Should the said school board elect to issue coupon bonds, then, at any time after the expiration of five years, should the said school board desire to redeem any or all of said bonds, as hereinbefore provided, notice of the intention to redeem shall be either by personal notice to the owner, if he and his place of residence be known, or, in the event the owner or his residence be unknown, the said notice of intention to redeem shall be by publication directed to the original owner of said bonds elected to be redeemed, for four successive weeks in some newspaper published in Alleghany county, Virginia, notice, in either event, to state the time and place at which said school board intends to redeem; and the interest on said bonds so elected to be redeemed, shall cease from and after the day so appointed in such notice for their redemption.

7. As it is necessary for the provisions of this act to become effective promptly, in order that work may be commenced on said improvements, an emergency exists, and therefore this act shall be enforced from its passage.

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CHAP. 242.—An ACT to amend paragraph 4, chapter X, of chapter 609, of the acts of the general assembly, sessions 1902-'03-'04, approved January 18, 1904, entitled "an act concerning public service corporations."

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia. That section four of chapter ten of an act approved January eighteenth, nineteen hundred and four, being chapter six hundred and nine of acts nineteen hundred and two, nineteen hundred and three and nineteen hundred and four, be amended and re-enacted so as to read as follows:

Par. 4. As often as a section of five miles of a turnpike road shall be completed, the circuit court of the county wherein the section, or the greater part thereof, lies, shall, on the application of the turnpike company, appoint three disinterested freeholders to report in writing the condition of the section. On such report no order shall be taken, except in the presence of the Commonwealth's attorney for the county, or of some other attorney acting in his stead. If, on the report, and such other evidence as may be offered, the court shall be satisfied that the section is not completed according to law, judgment shall be rendered against the company for all costs, including a fee to the attorney of ten dollars. If

it shall be satisfied that the section is so completed it shall enter of record an order declaring that fact. After the completion of all the full sections, if there remain any fractional part of a section, the like proceedings shall be had as to such part. When such declaration shall have been entered as to any section, or part of a section, the company may erect a toll-gate therefor at any point on said section, and may, when deemed expedient, change the location of said gate to any other point on said section, and demand and receive the lawful tolls: provided, that no gate shall be so changed until the said company shall have obtained the permission of the circuit court of the county in which it is proposed to locate the same, after having given notice of such application to the Commonwealth's attorney of said county and by publication for four successive weeks in some newspaper published in said county; any party affected by said change may contest such application.

If any turnpike company shall not complete its road within five years from the date of its charter, all right acquired thereunder shall be forfeited unless a longer time for the completion shall have been, or may hereafter be, expressly allowed by law, and it shall be the duty of the circuit court of the counties, respectively, in which the road lies, to open it to the public.

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CHAP. 243.—An ACT to authorize the town of Chatham, in Pittsylvania county, to issue bonds and borrow money for the purpose of erecting and equipping a public school building in said town.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Chatham, in Pittsylvania county, is hereby empowered and authorized to borrow a sum of money not to exceed ten thousand dollars, for the purpose of erecting and equipping a public school building in said town, and to issue bonds therefor, payable out of the town funds, at a date not to exceed thirty years from their issue, to be signed by the mayor and countersigned by the clerk of the council. Said bonds shall bear interest at the rate of five per centum, payable semi-annually, at such place as said council may designate, and redeemable after the expiration of ten years, at the pleasure of said council: provided, that said bonds shall not be sold for less than their par value, nor issued until after approval of the proposed expenditure by a majority of the duly qualified voters of said town, voting at special election called for that purpose by said council and conducted according to the laws applicable to special elections. Said council shall make provision for the payment of the interest on said bonds, and the principal thereof at maturity: provided, that the amount borrowed under this act shall not exceed the Constitutional limit.

2. By reason of the destruction of the public school building in said town by fire, an emergency exists, and this act shall be in force from its passage.

CHAP. 244.—An ACT to amend and re-enact sections 3, 6, and 10 of an act entitled "an act to create Ettricks sub-school district, in Matoaca school district, of Chesterfield county," approved March 6, 1900.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That sections three, six, and ten of an act entitled "an act to create Ettricks sub-school district, in Matoaca school district of Chesterfield county," approved March sixth, nineteen hundred, be amended and re-enacted so as to read as follows:

§3. The duties of said board of directors in said subdistrict shall be the same as are or may be prescribed for other district boards of school trustees under the general law of Virginia.

§6. All claims against said subdistrict, including the pay of teachers, shall be passed upon by said board of directors, and if approved, a warrant therefor, signed by the chairman and countersigned by the secretary, shall be drawn upon the county treasurer, such warrant showing upon its face that it is on account of Ettricks subdistrict. Claims shall not be allowed for an aggregate amount greater than the revenue to which said subdistrict may be entitled, nor shall warrants be issued for a greater amount in the aggregate than said revenue, and said board in approving claims or in issuing warrants shall make due allowance for the delinquent lists likely to be charged against said subdistrict.

§10. The directors provided for in this act shall receive for their services not exceeding twenty dollars in any one year (which compensation shall include that for their services in attendance upon the county school board), the allowance to be made by the said board of directors. They shall be subject to the provisions of section fourteen hundred and seventy-two, fourteen hundred and seventy-three, fourteen hundred and seventy-four of the Code of Virginia.

2. This act shall be in force from the first day of July, nineteen hundred and six.

CHAP. 245.—An ACT to establish a dispensary, or dispensaries, for the sale of intoxicating liquors, in the city of Radford, Virginia; to prohibit all persons, firms, and corporations to sell, barter, or exchange such liquors in said city, and to repeal all laws in conflict with this act so far as they apply to said city.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That on Thursday, the fifth day of July, nineteen hundred and six, there shall be held within the city of Radford, Virginia, a special election, at which shall be submitted to the qualified voters of the said city who were qualified to vote on November, nineteen hundred and five, election, the question of the establishment of a dispensary in the said city of Radford, as hereinafter provided, which said election shall be held and the returns thereof made, canvassed, and ascertained as provided by the general election laws of the



State, except as modified by this act. The official ballots prepared and used at said election shall contain the words "for dispensary" and the words "against dispensary," and the voter desiring to vote for the establishment of said dispensary, as provided by this act shall scratch out the words "against dispensary," leaving the words "for dispensary" unscratched; and the voter desiring to vote against the establishment of said dispensary as provided by this act shall scratch out the words "for dispensary," leaving the words "against dispensary" unscratched. The certificate of the judges and clerks of said election shall show the number of votes cast "for dispensary" and the number of votes cast "against dispensary," and the judges of election shall certify the results of said election to the judge of the corporation court of the city of Radford, either in term or in vacation, who shall order the same to be entered of record upon the law book of said court. And if at said election a majority of voters voting thereat shall vote for the establishment of said dispensary, as provided by this act, then it shall be unlawful for any person, firm, or corporation, in any capacity whatsoever, to sell, barter, exchange any spirituous, vinous, malt, or intoxicating liquors of any kind in the said city of Radford, on or after the tenth day of July, nineteen hundred and six, except as hereinafter provided, and any one violating this section shall be guilty of misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not less than one month nor more than twelve months in the jail of said city, or such person may be punished by both fine and imprisonment, as aforesaid, in the discretion of the jury, and the subsequent sections of this act shall be in full force and effect; but if at said election a majority of those voting thereat shall vote against the establishment of said dispensary, as provided by this act, then the same shall not affect the general laws pertaining to the sale of intoxicating liquors.

2. Notice of said special election shall be given by publication at least once in some paper published in said city or by hand-bills posted in ten or more public places in said city, and at least ten days before said election, anything in the general laws of the State to the contrary notwithstanding.

3. The judge of the corporation court of the city of Radford, either in term or in vacation, shall appoint from a list of six discreet citizens of the city of Radford, who shall be recommended to him by the city council of the city of Radford, one of whom shall be the mayor or a member of the city council, three citizens, who shall constitute a dispensary board, for the management of said dispensary or dispensaries. The term of office of said board shall be three years from the date of their appointment; should a vacancy occur in the board, the same shall be filled by the judge of the corporation court of the city of Radford.

4. Before entering upon the discharge of the duties of the office, the members of the board shall make oath that they shall well and truly carry out to the best of their ability all the provisions of this act.

5. The judge of the corporation court of the city of Radford shall have the right to remove any of the members of said board appointed by him when in his judgment such member has violated his oath or been guilty of malfeasance or misfeasance in the office.

6. The duty of the chairman of said board shall be to audit and approve all bills contracted by said board, and shall receive for his services the sum of fifty dollars per annum. The other members shall receive for their services the sum of twelve dollars per annum.

7. It shall be the duty of said dispensary board to provide a suitable place or places, but not more than one place in each ward of said city, for the sale of spirituous, vinous, malt, and other intoxicating liquors in the said city where such liquors shall be kept for sale under the directions of said dispensary board by a manager, who shall be appointed by said board, and who shall have charge of said dispensary, subject to the control of said board; said manager shall be subject to dismissal at the pleasure of the dispensary board; he shall give bond in the sum to be fixed by said dispensary board, not less than five hundred dollars, for the faithful discharge of his duties and for the payment of all sums of money received by him to the treasurer of said city. He shall be paid a salary to be fixed by said dispensary board, not exceeding the sum of seventy-five dollars per month. It will be the duty of the manager to keep a register, on which shall be kept a record of the quantity sold, price paid, and date of sale. If more than one dispensary is established, there shall be a manager for each dispensary.

8. The manager of the dispensary shall at all times keep under the supervision of the dispensary board a stock of spirituous, vinous, and malt liquors in such quantities as the dispensary board shall direct, and all bills incurred for the establishment and maintenance of the dispensary and the purchase of stock from time to time shall be paid by the treasurer of the city of Radford out of the moneys in his hands to the credit of said dispensary upon presentation of such bills, approved in writing by the chairman of the dispensary board, and said manager shall sell only for cash, and shall turn over all moneys received by him to the treasurer of the city of Radford at least once a week, and the said treasurer shall keep a separate account of the moneys so received and paid out by him, and he shall receive as compensation for receiving and paying out said money one-half of one per centum upon receipts. Said manager shall make a monthly report to the dispensary board, showing the amount of purchase and sales for the preceding month, and the amount of stock on hand on the last day of said month.

9. The council of the said city of Radford shall appropriate from the treasury of said city a sufficient amount to establish the said dispensary, which amount shall be paid into the city treasury, from the profits arising from said dispensary as they shall accrue, and no profits shall be paid out in any other direction until said amount is so repaid, and thereafter said dispensary shall be supported and maintained out of the profits accruing therefrom: provided, however, that the city council may allow the said dispensary board to borrow money and buy goods on credit of the dispensary alone, if it may become necessary in order to keep said dispensary in operation.

10. The treasurer of the said city shall be liable on his official bond for all moneys received by him hereunder, which bond shall be in sufficient penalty to cover his receipts hereunder as well as the other receipts of

his office; and no money shall be received by him hereunder until such bond with approved security, shall be given. The said council shall cause said treasurer to deposit all dispensary funds received by him in some bank to the credit of the dispensary as a separate fund.

11. The said dispensary board shall from time to time make rules and regulations for the operation of said dispensary; but in no event shall wines and liquors be sold to any person known to be an habitual drunkard, to minors, or to persons intoxicated, except upon the prescription of a regularly licensed physician.

12. The council of the city of Radford shall, from time to time, pass such ordinances as may be necessary to carry out the provisions of this act, and shall prescribe suitable penalties for any violation thereof.

13. The dispensary shall be opened and closed at such hours as the board may direct, and shall be closed on Sundays, election days, and under the same circumstances as make the sale of liquors unlawful under the laws of this State. The rooms in which said business shall be conducted shall front on some public thoroughfare, and shall have no other means of ingress and egress except the front door thereof.

14. The price at which spirituous, vinous, and malt liquors shall be sold shall be fixed by the dispensary board.

15. The manager of said dispensary shall sell to no person or persons any spirituous, vinous, or malt liquors except in sealed packages, and whenever any original package is broken, it shall at once be bottled and sealed and the price labeled thereon. The said board shall appoint some reliable person to assist said manager whenever it shall become necessary to break any original package and bottle and seal the same, the duty of which person it shall be to see that all of such original packages are bottled in such size packages as may be suggested by the said manager, and securely corked and sealed and the price labeled thereon. The said manager shall at no time keep, or allow to be kept, any broken or unsealed packages of liquor in said dispensary or dispensaries, either for his own use or for the use of any person or persons. The amount of liquor sold in said packages in said dispensary shall, in no case be less than one-half a pint or more than four gallons, and it shall be unlawful for the said manager or any person to open any such package or bottle, or to drink any liquor of any kind within such distance from the entrance to the dispensary or dispensaries that the said board may prescribe.

16. Said dispensary board may, in their discretion, cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no spirituous, vinous, or malt liquors shall be sold in said dispensary as are not known on the market as pure and unadulterated, and the said board may have the liquors purchased analyzed from time to time to ascertain if they are pure as represented. If any liquors are condemned by the chemist making the analysis as impure and unwholesome, such liquors shall not be sold at said dispensary, and the same shall be returned to the person from whom purchased and payment for same refused.

17. No liquors shall be sold in said dispensary or dispensaries to persons purchasing for the purpose of selling again, and said dispensary

board is required to make such rules and require the manager to make such investigation and to do such things as will, so far as practicable, prevent persons from so purchasing; and if the said board becomes satisfied that any person or persons have purchased, or are purchasing liquor from said dispensary or dispensaries for the purpose of selling again, they shall direct the manager as to the quantity to be sold to such person or persons, which shall be such an amount as will prevent a resale, and in case such board becomes satisfied that any person or persons are directly or indirectly purchasing repeatedly, for the purpose of reselling, then the dispensary board is authorized to direct the manager not to sell to such person or persons, except upon the certificate of a reputable physician, that such liquors are needed for medical purposes. The said dispensary board shall have power to employ attorneys, agents, or detectives to assist and aid in the detection and prosecution of any violation of this act; employ such assistance as may be necessary to properly conduct said dispensaries; may borrow money necessary to conduct said dispensary, and shall have the power to do all other proper things not contrary to law in order to carry out the true intent of this act.

18. Any debt incurred by said dispensary board shall be upon the credit of the said dispensary alone.

19. The manager of said dispensary shall not allow any person or persons to loiter in or about the said dispensary, and any person who is violating this provision and refuses to leave at the request of the manager shall be punished, and upon conviction shall be fined not exceeding five dollars.

20. The dispensary board shall make and publish an annual report, showing in detail the amount of money expended in the purchase of liquors, the amount of money realized from the sale of liquor, the itemized expenses of said dispensary, salary paid manager, dispensary board, and all other money expended on account of said dispensary, and money received on account thereof.

21. In establishing said dispensary or dispensaries, said dispensary board may purchase from the present liquor dealers in Radford such of their stock on hand tenth day of July, nineteen hundred and six, and as may be desirable to keep in said dispensary: provided, they shall not pay more than wholesale cash price for the same: and provided, that they shall be satisfied that the same is pure.

22. The net profits accruing from said dispensary shall be disposed of in the following manner: One-eighth to the State of Virginia, two-eighths to the school board of the city of Radford for school purposes, to be proportioned ratably between the two wards of said city, and the remainder to the said city of Radford for its general purposes. Such distribution shall be made when ordered by the dispensary board, and at least once a year.

23. Any person or persons who shall, directly or indirectly, keep or maintain by himself, or by association or combination with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any club-room or other place at which intoxicating liquors are received or kept for sale or distribution or division among members of any club or asso-

ciation, shall be guilty of a misdemeanor and punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by confinement in jail of not less than one month nor more than twelve months, or both.

24. After a period of two years from the passage of this act, on the petition of one-fourth of the registered voters of said city, the corporation court shall order an election on the question of continuing or discontinuing the dispensary system, and if discontinued whether or not liquor license shall be granted. The court shall provide for such election by appointing judges, prescribing the form of ballots, and whatever else may be necessary to have the election properly held, and the result ascertained and certified. The returns of the election shall be made to the corporation court and entered of record.

The persons who were qualified to vote at the last preceding election, whether it was for the city officers or the general November election, shall be qualified voters for such special election.

25. All laws or parts of laws in conflict with this act are hereby repealed so far as they relate to the city of Radford, Virginia.

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CHAP. 246.—An ACT to authorize the school board of the Norton school district, of the county of Wise, to borrow money for the purpose of erecting and furnishing a school-house in the town of Norton, and to provide for the payment of the amount which may be borrowed.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of the Norton school district, of the county of Wise, may borrow not exceeding twenty thousand dollars for the purpose of erecting and furnishing a school-house in the town of Norton. The said board shall issue its bonds for the money borrowed, payable at such time or times as may be agreed upon, not exceeding twenty years after the date, with interest not exceeding the legal rate, and payable annually, or semi-annually, as may be agreed upon. Such bonds shall be signed by the chairman, sealed with the seal of the said board, and attested by the clerk of the said board.

From the school levy for the said district shall be paid, as it matures, the interest on the bonds hereby authorized, and there shall be set aside annually, as a sinking fund, such a sum as will provide for the payment of the principal when it matures. Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said board may select. The said board shall annually report to the board of supervisors of said county the amount of the debt outstanding and the amount and condition of the sinking fund.

2. An emergency existing in this, that the said school-house shall be promptly constructed in order that it may be ready for the next session, this act shall be in force from its passage.

CHAP. 247.—An ACT to incorporate and provide a charter for the town of Dry Fork, in the county of Pittsylvania.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That all the territory in the county of Pittsylvania contained within the following limits—namely: Beginning on Dry Fork road, near a school-house, about five hundred yards west of Dry Fork depot; thence a line between the lands of Rada Pigg and C. F. Owen, on one side, and S. A. Hutchins on the other, to the Southern railway; thence along said railroad north to a branch that runs from J. C. Taylor's field; thence up said branch to said Taylor's line; thence a line between the lands of Rada Pigg and J. C. Taylor to Telegraph road; thence a line between the lands of J. C. Taylor, Thomas Oaks, Bryant Brothers, and J. L. Carter, on one side, and Rada Pigg and J. S. Evans on the other to Banister river; thence up said river to Sallie Emmerson's line; thence a line between the lands of Sallie Emmerson, J. A. May, and S. A. Hutchins on one side and Rada Pigg on the other to Dry Fork road; thence along the same east to the beginning, be, and the same is hereby, made a town corporate by the name of Dry Fork, and by that name shall have and exercise all powers conferred on towns of less than five thousand inhabitants by the laws of Virginia, now in force, or which may hereafter be enacted in reference to towns of less than five thousand inhabitants.

2. The government of said town shall be vested in the mayor, six councilmen, and a sergeant, and such other officers as may be provided for by law, and by the council of said town. James S. Evans is hereby appointed mayor thereof; Messrs. Charles T. Owen, Richard Goad, James R. Scruggs, C. E. Ricketts, J. W. Bryant, and William Bloomfield are hereby appointed councilmen thereof, and John P. Grant, sergeant.

The members of the council shall serve without pay, and the mayor shall receive such compensation as the council shall prescribe. The said mayor and councilmen and other officers appointed and hereafter appointed shall have and exercise all the powers herein and hereafter granted to said officers by the general assembly of Virginia, and shall continue in office until their successors are elected at an election to be held on the second Tuesday in June, nineteen hundred and six.

3. An emergency existing therefor, in order that an election may be held at the election in June, nineteen hundred and six, this act shall take effect from its passage.

CHAP. 248.—An ACT to repeal sections 1501 and 1504, and to amend and re-enact sections 1432, 1433, 1434, 1438, 1447, 1450, 1451, 1454, 1460, 1462, 1465, 1466, 1474, 1476, 1481, 1489, 1496, and 1497 of an act of assembly, entitled "an act to amend and re-enact chapter 66 of the Code of Virginia relating to public free schools for counties and to the literary fund," approved December 28, 1903, as amended by an act approved March 11, 1904.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That sections fifteen hundred and one and fifteen hundred and four of the act herein mentioned be repealed, and that sections fourteen hundred and thirty-two, fourteen hundred and thirty-three, fourteen hundred and thirty-four, fourteen hundred and thirty-eight, fourteen hundred and forty-seven, fourteen hundred and fifty, fourteen hundred and fifty-one, fourteen hundred and fifty-four, fourteen hundred and sixty, fourteen hundred and sixty-two, fourteen hundred and sixty-five, fourteen hundred and sixty-six, fourteen hundred and seventy-four, fourteen hundred and seventy-six, fourteen hundred and eighty-one, fourteen hundred and eighty-nine, fourteen hundred and ninety-six, and fourteen hundred and ninety-seven of an act of assembly, entitled "an act to amend and re-enact chapter sixty-six of the Code of Virginia relating to public free schools for counties and to the literary fund," approved December twenty-eight, nineteen hundred and three, as amended and re-enacted by an act approved March eleventh, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§1432. Recovery of money due literary fund.—Any money which ought to be paid into the public treasury to the credit of the literary fund shall (unless other provisions be made therefor) be recoverable, with interest, by the State board of education, by motion after fifteen days' notice, or by action in the circuit court of the city of Richmond. The second auditor shall institute and prosecute the proceedings after an order for such motion or action shall have been made by the board.

The said board may appoint agents for the collection of its debts or claims, and authorize them to secure payment thereof on such terms as it may approve.

When estate of any person taken under execution, or for sale under any decree or deed of trust, for any such debt or claim, or for any fine, will not sell for the amount thereof, such agent may (under the direction of the board as to the price) purchase such estate for the board. He shall immediately report to it every such purchase and the terms thereof.

The board may sell, or appoint an agent to sell, any estate so purchased, who shall sell at such time and on such terms as the board may authorize. It shall take bond from such agent if any money is to come into his hands. Any agent selling land under this section shall, when directed so to do by the board, execute a deed (with the resolution giving such direction thereto annexed) conveying to the purchaser all the interest which the board may have in such land.

For the service of any agent under this section, the board may allow compensation, not exceeding in any case five per centum on the money actually paid into the treasury.

§1433. Duties of State board of education.—The powers and duties of the board shall be as follows:

First. To divide the State into appropriate school divisions, in the discretion of said board, comprising not less than one county or city each; but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the senate, appoint for each of such divisions one superintendent of schools, who shall hold office for four years. The board shall also prescribe the duties of such division superintendent, and may remove him for cause and upon notice. When a vacancy occurs during the recess of the general assembly, it shall be filled by appointment of the board for the unexpired term, and the appointee shall continue in office until the expiration of thirty days after the first meeting of the general assembly; but it shall not be lawful when the general assembly is not in session for the said board to appoint as division superintendent any person whose nomination has been previously rejected by the senate.

Second. To prescribe the duties of the superintendent of public instruction.

Third. To approve the appointment of a first and second clerk, and such other employees as may be necessary for the office of the superintendent of public instruction, upon the nomination of that officer, and to fix their salaries. The first clerk, who is hereby required to serve also as secretary of the State board of education, may be allowed for these extra services such reasonable compensation as the board may deem just and proper.

Fourth. To adopt by-laws for its own government and to make all needful rules and regulations for the management and conduct of the schools. Such rules and regulations, when published and distributed, shall have the force and effect of law until revised, amended, or repealed by the general assembly.

Fifth. To provide for the examination of teachers by a State board of examiners, and the inspection of schools by inspectors to be chosen by the State board of education, or by the adoption of such other plans as the board may, in its discretion, deem wise and expedient. The duties, compensation, and expenses of such examiners and inspectors shall be fixed by the State board of education, and paid as other expenses of said board are paid.

Sixth. To select text-books, school furniture, and educational appliances for use in the public schools of the State of Virginia, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively, subject to the conditions and restrictions hereinafter set forth; but no text-books which may hereafter be adopted for use in any public free school in the State of Virginia shall be changed or substituted until the same shall have been used for a period of not less than four years.

The said State board of education shall be empowered, and it is hereby made their duty to enter into contract for a term of years not to exceed four, with the publisher or publishers of school books adopted for the use of the pupils of the public schools of Virginia, upon the terms and con-



ditions herein set forth, that the price to be paid for said books by the pupils of the public schools of Virginia shall not exceed the lowest retail price at which such books are sold to the pupils or patrons of the public schools of any other State, county, township, or school district, or to any individual in the United States. The publisher or publishers to make a sworn affidavit of this fact, which said sworn statement shall be put on file in the office of the superintendent of public instruction, Richmond, Virginia: and provided, further, that said publisher or publishers of said school books shall make a written guarantee to said State board of education, that any further reduction in the price of said books during the life of said contract, made anywhere to any one, shall also be made to said State board of education, and if the publisher or publishers of any school books adopted for the use of the pupils of the public schools of Virginia, fails to make the retail prices of said school books as low to the pupils of the public schools of Virginia as the same books are supplied to the pupils of the public schools of any other State, corporation or person, at any time during the continuance of this contract, then it shall be the duty of the State board of education of Virginia to declare the contract with such publisher or publishers to be null and void.

Before any publisher or publishers of school books adopted by the State board of education shall be permitted to enter into any contract with the State board of education, under the provisions of this act, he or they shall file with the State superintendent of public instruction, to be approved by the said State board of education, a good and sufficient bond for the faithful performance of the conditions of such contract and the observance of the requirements of this act.

Seventh. To guard by regulation against such a multiplication of schools in proportion to the funds provided as will tend to cause a low grade of instruction in the schools or in any other way impair their efficiency.

Eighth. To approve or amend the plans of the superintendent of public instruction for the organization and conduct of the summer normal schools, to audit the accounts for the expenses of such schools, and issue warrants for the payment thereof as other warrants are issued by the said board.

Ninth. To decide appeals from the decisions of the superintendent of public instruction: provided, that all the facts and arguments in each case shall be presented in writing, and in such form as the board may prescribe.

Tenth. To order the sense of voters to be taken in counties or districts on all matters which may be properly so referred under the provisions of the school law whenever deemed proper by the board.

Eleventh. To invest the capital and unappropriated income of the literary fund in bonds of this State, or of the United States, or in bonds of railroad companies secured by first mortgage whose market value for six months preceding the investment has not been less than ninety cents on the dollar, or in bonds made by the district school boards of the different school districts in this State, constituting a lien on the district funds in the different districts, secured by deed of trust on the school property

in said districts in which said bonds are invested. The said board may call in any such investment, or any heretofore made, and reinvest the same as aforesaid whenever deemed proper for the preservation, security, or improvement of the said fund. Whenever, in accordance with this section, the board shall invest as aforesaid in bonds of this State no premium shall be required or paid on such investment. All securities for money belonging to the literary fund shall be deposited with the second auditor for safe-keeping, who shall return with his annual report a list thereof with a statement of their value.

Twelfth. To audit all claims which are to be paid out of the literary fund, and to allow so much thereof as shall appear to be due: provided, that not more than ten years shall have elapsed when by law such claim might have been presented for payment. For any claims so allowed, certified by the secretary and presiding officer of the board, the second auditor shall issue his warrant on the treasurer, signed by the second auditor and attested by one of his clerks. All money belonging to the literary fund shall also be received into the treasury on the warrant of the second auditor, who shall also be the accountant of the said fund.

Thirteenth. To approve or amend the schemes prepared by the superintendent of public instruction for apportioning the money appropriated by the State for public free school purposes among the several counties and cities of the State.

Fourteenth. To determine the necessary contingent expenses of the office of the superintendent of public instruction, including stationery, postage, printing, furniture, and other charges; to examine the accounts thereof; and, when approved, to issue warrants on the second auditor for the payment of the same, said warrants to be signed by the secretary and the presiding officer of the board.

Fifteenth. To punish division superintendents of schools for neglect of duty, or for any official misconduct, by reasonable fines, to be deducted from their pay; by suspension from office and pay for a limited period, or by removal from office.

Sixteenth. To appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State library (except the law library), and the appointment of a librarian and other employees thereof subject to such rules and regulations as the general assembly shall prescribe.

Seventeenth. To observe the operations of the public free school system, to regulate such matters as may arise in the practical administration thereof not otherwise provided for, and to suggest to the general assembly any improvements deemed advisable therein, and for which the said board has no power to provide.

Eighteenth. To make a report to the general assembly at each regular session, covering the annual report of the superintendent of public instruction, giving an account of the operations of the board for the two school years immediately preceding the session of the general assembly.

Nineteenth. To perform such other duties as may be prescribed by law.

Twentieth. Such reasonable expenses as the members of the board, except the governor, the attorney-general, and the superintendent of pub-

lic instruction, may incur in attending the meetings of the board, or any committee thereof, shall be paid from the funds at the command of the board by warrant on the second auditor as other expenses of the board are paid.

§1434. His election and term; his salary and travelling expenses; vacancy in office; qualification.—There shall be elected by the qualified voters of the State on the Tuesday after the first Monday in November, nineteen hundred and five, and every four years thereafter, a superintendent of public instruction, who shall be an experienced educator, and whose term of office shall commence on the first of February following his election: provided, that the present incumbent of the office, or his successor, shall continue in office until February first, nineteen hundred and six.

His salary shall be fixed by the general assembly, and he shall be allowed his necessary travelling expenses while engaged in the duties of his office, a sum not to exceed eight hundred dollars in any school year: provided, that this amount shall be in full of all sums now set apart by law or otherwise for necessary travelling expenses, but is in no way to affect the salary of the said superintendent of public instruction.

Any vacancy occurring in the office within a regular term shall be filled for the unexpired term by the State board of education.

Before entering upon the discharge of the duties of the office he shall take and subscribe the oath prescribed for all officers of the State.

§1438. His salary.—The said superintendent shall receive, to be paid in monthly installments out of the State school fund, on the warrant of the State board of education drawn upon the second auditor, forty dollars for every thousand of population under his jurisdiction for the first ten thousand; twenty-five dollars for every thousand in excess of ten up to and including thirty thousand; and fifteen dollars for every thousand in excess of thirty thousand; rejecting in each case fractions less than five hundred: provided, that the pay of a superintendent shall not, in any case, be less than two hundred dollars a year.

§1447. Powers and duties of board.

First. Expenses of trustee.—The county school board may order any district school board of the county to pay to each school trustee, except the clerk of the board, a sum not to exceed ten dollars in any one year to cover the expenses of said trustee for attendance upon the meetings of the county and the district school boards.

Second. Estimate of expenses.—It shall be the duty of the county school board of each county, on or before the first day of July each year, to prepare and file with the division superintendent of schools an estimate of the amount of money which will be needed during the next scholastic year for the support of the public free school system of the county, and at the same time, after carefully revising the estimates of the district boards of trustees submitted to the county board in accordance with the provisions of section fourteen hundred and sixty-six of this chapter, to prepare and file with said superintendent separate estimates of the necessary expenses of the public free schools in each school district of the

county for the next scholastic year, which estimates shall be submitted by him to the board of supervisors at a regular meeting.

Third. Apportionment of county fund.—The county school fund shall be apportioned by the county school board among the several districts of the county according to its judgment, having due regard to maintaining, as far as practicable, a uniform term throughout all of the districts: provided, that such primary and grammar schools as may be established in any school year shall be maintained at least four months of that school year before any part of the fund assessed and collected may be devoted to the establishment of schools of a higher grade.

Fourth. Property vested in and managed by county board; counsel.—All money, bonds, stocks, debts, funds, effects, and other property, real or personal, held by individuals by virtue of their office of school commissioner or overseers of the poor of any of the counties of this Commonwealth, except the county of Loudoun, under any act heretofore passed by the general assembly of Virginia, acquired by or derived from the sale of glebe lands, or from any other source formerly belonging to any of the said counties, and applicable to school purposes; also such real or personal estate in any of the said counties as belonged to the former board of the literary fund, together with any other funds or property which had in any manner been set apart for school purposes, but which has been practically abandoned or is without trustees; and any funds or property that may be hereafter set apart solely for county school purposes, and all donations by will, deed, or other conveyances, heretofore or hereafter made for county school purposes, the lot and school building and all the real and personal property acquired for the use of a county high school, or for the maintenance thereof, shall be vested in the said county school board of the said counties, respectively, unless inconsistent with the grant or devise, upon such terms and conditions for the security of the same as the circuit court of said county shall prescribe. The said board shall, when not inconsistent with the terms of the grant or devise, invest and manage the same, and apply the profits thereof for the purpose of education in the same manner and under the same restrictions as the general school fund of the State is applied under the general school law of the State, except that the said boards are authorized to apply such portions of the profits of the funds as in their judgment may be necessary to the erection of school-houses in their said counties, respectively, or to the purchase of school apparatus for the use of schools: provided, that such disposition is not in conflict with the will of the grantor or testator. In cases where funds or other property are held by trustees for purposes of common school education, the county school board shall have power, and it shall be its duty to examine into the manner in which such trusts are administered; and all such trustees are hereby required to render reports to the county board whenever called on, and to afford every facility wanted by said board in order to obtain a full understanding of all the points connected with such administration; and should such examination reveal any defect or irregularity in the administration of such trust funds or other property, it shall be the duty of the county school board to institute prompt proceedings for carrying the matter before the civil courts.

In cases where donations or other funds have been set apart for the education of the poor, the county school board is authorized to receive and apply the same in connection with the public free schools in obedience to the will of the donor. The county school board of any county may employ counsel and provide for and direct the payment of reasonable attorney's fees whenever such action may be necessary for effectuating the purposes and objects of this section, or for the protection of the public schools of the county, or of any school district thereof, from loss or detriment from any cause: provided, that no such fee shall be paid or allowed by such board unless and until the same shall have been approved by the court in which such litigation was had: provided, further, that nothing in this law contained shall be construed to apply to the twenty-fifth clause of the will of Samuel Miller, deceased, or in any wise to affect or impair any rights or interests whatsoever, either public or private, arising under said clause, or to any fund now held by the Charlottesville district school board of Albemarle county, known as district number five.

§1450. School trustee electoral board; composition; duties; compensation.—In each county there shall be a board, to be known as the school trustee electoral board, which shall, until February first, nineteen hundred and four, be composed of the county judge, the attorney for the Commonwealth, and the division superintendent of schools; but after the first day of February, nineteen hundred and four, the said board shall be composed of the attorney for the Commonwealth, the division superintendent of schools, and a resident qualified voter, who is not a county or State officer, to be appointed by the judge of the circuit court on or within thirty days after the first day of February, nineteen hundred and four, and every four years thereafter. This resident qualified voter shall receive a per diem of two dollars for each day actually employed, to be paid out of the county school fund; but when acting as a member of the board of appeal, according to the provisions of section fourteen hundred and eighty-seven, he shall receive two dollars per day, to be paid out of the district fund of the district in which the service is rendered. The said appointee shall qualify before the clerk of the said circuit court, and shall serve for a term of four years from the first day of March, nineteen hundred and four. Any vacancy occurring within the term of the said appointee shall be filled by the said circuit judge within thirty days thereafter.

§1451. Clerk and chairman.—The division superintendent shall be clerk, and the board shall elect one of its members chairman.

§1454. Term of office; mode of filling vacancies, and so forth; qualifications of trustees.—The school trustee electoral board shall appoint one school trustee for the several school districts in their respective counties, not more than thirty days before September first, nineteen hundred and six, whose term of office shall be three years from said September first, nineteen hundred and six, and thirty days before September first, nineteen hundred and six, and thirty days before September first of each succeeding year thereafter, one school trustee for each district, whose term of office shall begin on the first day of September of that year and continue for three years. And the terms of the present trustees are hereby

extended to the first day of September succeeding the term for which they were appointed. Said boards shall fill vacancies occurring within a regular term for the unexpired part thereof.

No person who is unable to read and write shall be appointed a trustee.

§1460. Must be a resident of district and take oath.—Every school trustee shall, at the time of his appointment, be a resident of the school district for which he is appointed, and if he shall cease to be a resident thereof his office shall be deemed vacant. Before entering upon the discharge of the duties of his office he shall take and subscribe the oath prescribed for officers of the State before the division superintendent of schools or any other officer authorized to administer an oath. The officer administering the said oath shall certify the same to the clerk of the circuit court, and the said clerk shall make in his record book a minute of the qualification of said trustee. And no fee shall be charged for either service.

§1462. Clerks of district boards to take census of school population; their pay.—The clerk of each district school board, during the month of April or May, nineteen hundred and ten, and every five years thereafter, shall, in proper person or by deputies approved by the division superintendent of schools, take a census of all persons between the ages of seven and twenty years, residing within the school district, and gather statistics relating to the interests of education in said district, according to the forms furnished by the superintendent of public instruction. The lists thus prepared shall be submitted for careful revision to the district school board as soon as may be after their completion, and shall at all times be open to the inspection of any citizen. When so revised, they shall be submitted, along with the other papers of the district, to the county board at its annual meeting, and immediately thereafter delivered to the division superintendent. For said service the clerk or his deputy shall receive compensation out of the district school fund at the rate of three dollars per hundred of the children listed by him, subject to abatement, on the discovery, before or after the settlement of the account, of errors or omissions in the list, or to a fine by the district board, as provided in section fourteen hundred and seventy-four.

§1465. To discharge other duties; their pay.—He shall discharge such other duties in connection with the school business of the district as may be required of him, and for his services may be allowed, out of the district fund, an amount not exceeding two dollars for each teacher.

§1466. Powers and duties of district boards of school trustees.—The duties of the district board of school trustees shall be, in general, as follows:

First. To explain, enforce, and observe the school laws, and to make rules for the government of the schools and for regulating the conduct of pupils going to and returning from school.

Second. To employ teachers, and to dismiss them when delinquent, inefficient, or in any wise unworthy of the position: provided, however, that the authority hereby given shall be subject to review by the board of appeal, provided by section fourteen hundred and fifty-five of this chapter: provided, also, that no district school board shall employ or pay any

teacher from the public funds unless the teacher shall hold a certificate in full force according to the provisions of section fourteen hundred and seventy-six: and provided, further, that no district school board shall employ or pay any teacher from the public funds if said teacher is the brother, sister, wife, son, or daughter of any member of said board. Any member of any district board who shall violate any of these provisions shall be personally liable to refund any public funds paid in violation of this section, to be recovered from him by suit in the name of the Commonwealth at the relation of the attorney for the Commonwealth; such funds when recovered, to be paid into the county school fund.

Third. To suspend or expel pupils when the prosperity and efficiency of the schools make it necessary

Fourth. To decide what children wishing to enter the schools of the district should by reason of the poverty of their parents or guardians receive text-books free of charge, and to provide for supplying them accordingly.

Fifth. To see that the census of children required by section fourteen hundred and sixty-two of this chapter is taken in the proper time and in proper manner.

Sixth. To hold regular meetings at fixed periods, to be prescribed by the State board of education, and special meetings when called by the chairman or by two members.

Seventh. To call meetings of the people of the district for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall preside, if present.

Eighth. On or before the fifteenth day of May, in each year, to prepare and return to the president of the county school board, to be by him laid before the board at its earliest meeting, an estimate of the amount of money which will be needed in the district during the next school year for providing school-houses, text-books for indigent children, and other school appliances, and necessary expenses.

Ninth. To provide suitable school-houses with proper furniture and appliances, in accordance with section fourteen hundred and thirty-three, subsection six of this act, and care for, manage, and control the school property of the district. For these purposes it may lease, purchase, or build such houses, according to the exigencies of the district and the means at its disposal.

Tenth. To visit the public free schools in the district from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

Eleventh. To provide for the pay of the teachers and of the clerk of the board, the cost of providing school-houses and the appurtenances thereto and the repairs thereof, school furniture and appliances as provided for in section fourteen hundred and thirty-three, subsection six of this act, necessary text-books for indigent children attending the public free schools, and any other expense attending the administration of the public free school system, so far as the same is under the control or at the charge of the school district or its officers.

Twelfth. To examine all claims against the school district, and, when approved, to pay the same: provided, that a record of such approval shall be made in the proceedings of the board; and a warrant on the county treasurer shall be drawn, signed by the chairman of the board, and countersigned by the clerk thereof, payable to the person entitled to receive such money, and stating on its face the purpose or service for which it is to be paid, and that such warrant is drawn in pursuance of an order entered by the board on the \_\_\_\_\_ day of \_\_\_\_\_.

Thirteenth. To perform such other duties as shall be prescribed by the State board of education or are imposed by other parts of this chapter.

Fourteenth. To report on any matter when required by the division superintendent of schools, and on or before the tenth day of August of each year to make a report for the school year closing July thirty-first preceding, on all subjects embraced in the blank forms supplied by the superintendent of public instruction.

Fifteenth. County, city, or district school boards and counties, cities, towns, and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, or to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district or by such county, city, or district school boards. Said boards may also provide for the introduction of manual or industrial training and other special branches into any public school.

§1474. Penalties on officers and teachers.—Any division superintendent of schools, school trustee, or other school officer, or any teacher in a public free school, who shall by malfeasance or neglect, offend against the provisions of this chapter, if no other specific penalty be prescribed, shall be subject to a fine of not less than five nor more than fifty dollars for each offense.

§1476. Teachers to hold certificate of qualification.—Every teacher of a public free school shall hold a certificate in full force, issued or approved by the division superintendent prior to July first, nineteen hundred and six, or after that date to be issued by the State board of examiners and inspectors and approved by the superintendent of schools for the division within which such teacher is to be employed.

§1481. Meeting of teachers to be encouraged; summer schools.

First. Teachers' meetings.—County or district school boards may encourage meetings of teachers to be held from time to time in any county or school district under such regulations as the division superintendent of schools may prescribe.

Second. Appropriation for summer schools.—A sum not exceeding five thousand dollars, payable out of any amount appropriated out of the general fund of the State for public free school purposes, may be used annually by the State board of education for the establishment and maintenance of State summer schools for the better equipment of the teachers in the public schools of this State: provided, that not less than eight such summer schools shall be held annually in this State.

Third. Purpose of summer schools.—The purpose of said summer schools shall be to familiarize the teachers in the public schools of this State with more advanced methods of teaching and to furnish such addi-



tional academic training as will tend to promote the usefulness of the public schools.

Fourth. How conducted.—The said summer schools shall be conducted under the general management of the State board of education, and shall be subject to the supervision of the superintendent of public instruction, who shall, from time to time, select the places of holding said summer schools, the instructors thereof, and regulate the course of instruction to be pursued therein.

Fifth. Terms and regulations.—The said summer schools shall be held for a period of not less than four weeks in each year, beginning on such day or days in the summer vacation of the public schools as may be designated by the superintendent of public instruction. The sum hereby authorized to be expended shall be applied exclusively to the payment of instructors and to other necessary expenses incident to the conduct of said schools: provided, that all claims for services of instructors and other necessary expenses shall be submitted to and approved by the State board of education, and when so approved shall be paid by warrants of said board, drawn on the second auditor, and a separate account of the receipts and disbursements on account of the appropriation shall be kept by said board.

§1489. Construction of school-houses; condemnation of unsuitable buildings.—No school-house shall be contracted for or erected until the site, location, plans, and specifications therefor shall have been submitted to and approved in writing by the division superintendent of schools, whose action in each case shall be reported by him to the State board of education; and no public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard to decency and health; and when a school-house appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same and immediately to give notice thereof in writing to the chairman of the district school board, and thenceforth no public school shall be held therein, nor shall any part of the State or county fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the district school board that he is satisfied with the condition of such building and with the appliances pertaining thereto.

§1496. Exclusion of persons with contagious diseases, or who have not been vaccinated.—Teachers shall require of the pupils cleanliness of person and good behaviour during their attendance at school and on their way thither and back to their homes.

Persons suffering with contagious diseases shall be excluded from the public free schools while in that condition. Every teacher and pupil shall, within ten days after entering a public free school, furnish a certificate from a reputable physician certifying that such teacher or pupil has been successfully vaccinated, or is entitled to exemption by reason of peculiar physical condition: provided, that nothing in this section shall preclude a school board from requiring immediate vaccination in case of an epidemic of small-pox, or the annual revaccination of those who have not furnished certificates of proper vaccination: provided, further, that

the operation of so much of this section as concerns vaccination may be suspended in whole or in part by the school board of any city or county.

Should any children who attend the public free schools be unable to pay for vaccination, they shall be vaccinated with genuine vaccine matter at the cost and expense of the town or county, and provision shall be made therefor by the council of the town or by the board of supervisors of the county.

§1497. What to be taught in schools.—In every public free school shall be taught orthography, reading, writing, arithmetic, grammar, geography, physiology, and hygiene, civil government, drawing, history of the United States, and history of Virginia. In teaching physiology and hygiene approved text-books shall be used, plainly setting forth the effects of alcohol and other narcotics on the human system, and such effects shall be as fully and thoroughly taught as are other branches of the said last named subjects. Provision shall further be made for moral education in the public schools to be extended throughout the entire course. Such instruction shall be imparted by reading books and text-books inculcating the virtues of a pure and noble life. The text-books shall be selected as are other text-books by the State board of education.

Sections fifteen hundred and one and fifteen hundred and four are hereby repealed.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

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CHAP. 249.—An ACT to amend and re-enact section 3528 as amended and re-enacted by the general assembly of Virginia, and approved December 31, 1903.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section thirty-five hundred and twenty-eight be amended and re-enacted as follows—to-wit:

§3528. For every case of felony tried in any circuit court or corporation court, to be charged only once in each case, the sum of ten dollars; for every case of misdemeanor prosecuted in any such court to judgment for the Commonwealth, except prosecutions for violation of the revenue laws, and for offenses under section thirty-eight hundred and fifteen, and the sections following to thirty-eight hundred and thirty-three, inclusive, the sum of five dollars: provided, that in no case shall the attorney for the Commonwealth in any county or city receive from the State treasury more in any one year than the amounts hereinafter stated, as follows:

The attorney for the Commonwealth of the county of Accomac, three hundred and twenty dollars; of Albemarle, three hundred and seventy dollars; of Alexandria, two hundred and fifty dollars; of Alleghany, two hundred dollars; of Amelia, two hundred and twenty dollars; of Amherst, two hundred and fifty dollars; of Appomattox, three hundred dollars; of Augusta, four hundred and twenty dollars; of Bath, seventy-five dollars; of Bedford, three hundred and sixty dollars; of Bland, one hundred and twenty dollars; of Botetourt, two hundred dollars; of Brunswick, two

hundred and twenty dollars; of Buckingham, three hundred dollars; of Buchanan, two hundred dollars; of Campbell, three hundred and sixty dollars; of Caroline, two hundred dollars; of Carroll, two hundred dollars; of Charles City, one hundred dollars; of Charlotte, one hundred and fifty dollars; of Chesterfield, two hundred and twenty dollars; of Clarke, two hundred dollars; of Craig, seventy-five dollars; of Culpeper, two hundred dollars; of Cumberland, two hundred dollars; of Dickenson, two hundred dollars; of Dinwiddie, two hundred dollars; of Elizabeth City, four hundred dollars; of Essex, two hundred dollars; of Fairfax, two hundred and twenty dollars; of Fauquier, two hundred and eighty dollars; of Floyd, three hundred dollars; of Fluvanna, two hundred dollars; of Franklin, three hundred dollars; of Frederick, two hundred and twenty dollars; of Giles, two hundred dollars; of Gloucester, two hundred dollars; of Goochland, one hundred and seventy-five dollars; of Grayson, two hundred dollars; of Greene, one hundred and twenty dollars; of Greenville, two hundred dollars; of Halifax, four hundred dollars; of Hanover, two hundred and twenty dollars; of Henrico, six hundred dollars; of Henry, three hundred dollars; of Highland, one hundred dollars; of Isle of Wight, two hundred dollars; of James City, one hundred dollars; of King and Queen, two hundred dollars; of King George, one hundred dollars; of King William, two hundred dollars; of Lancaster, one hundred and fifty dollars; of Lee, three hundred dollars; of Loudoun, two hundred and fifty dollars; of Louisa, two hundred dollars; of Lunenburg, two hundred and fifty dollars; of Madison, one hundred and fifty dollars; of Mathews, one hundred dollars; of Mecklenburg, three hundred dollars; of Middlesex, one hundred and twenty dollars; of Montgomery, three hundred dollars; of Nansemond, two hundred and forty dollars; of Nelson, two hundred dollars; of New Kent, one hundred and twenty dollars; of Norfolk, one thousand dollars; of Northampton, one hundred and fifty dollars; of Northumberland, one hundred dollars; of Nottoway, two hundred and fifty dollars; of Orange, one hundred and fifty dollars; of Page, two hundred and twenty-five dollars; of Patrick, two hundred dollars; of Pittsylvania, six hundred dollars; of Powhatan, two hundred dollars; of Prince Edward, three hundred dollars; of Prince George, one hundred dollars; of Princess Anne, one hundred dollars; of Prince William, two hundred dollars; of Pulaski, three hundred dollars; of Rappahannock, one hundred and fifty dollars; of Richmond, one hundred dollars; of Roanoke, two hundred dollars; of Rockbridge, two hundred dollars; of Rockingham, three hundred and sixty dollars; of Russell, two hundred and ten dollars; of Scott, two hundred and sixty dollars; of Shenandoah, two hundred dollars; of Smyth, three hundred dollars; of Southampton, two hundred dollars; of Spotsylvania, one hundred and fifty dollars; of Stafford, one hundred dollars; of Surry, one hundred and fifty dollars; of Sussex, one hundred and fifty dollars; of Tazewell, five hundred dollars; of Warren, one hundred and fifty dollars; of Warwick, one hundred and fifty dollars; of Washington, three hundred and forty dollars; of Westmoreland, one hundred and twenty-five dollars; of Wise, four hundred dollars; of Wythe, two hundred and thirty dollars; of York, one hundred dollars.

The attorney for the Commonwealth of the city of Richmond, two thousand dollars; of the city of Norfolk, fifteen hundred dollars; of the city of Petersburg, four hundred dollars; of the city of Lynchburg, four hundred dollars; of the city of Roanoke, five hundred dollars; of the city of Alexandria, three hundred dollars; of the city of Portsmouth, three hundred dollars; of the city of Danville, seven hundred dollars; of the city of Manchester, two hundred and fifty dollars; of the city of Staunton, two hundred and twenty-five dollars; of the city of Charlottesville, two hundred dollars; of the city of Winchester, two hundred dollars; of the city of Fredericksburg, one hundred and seventy-five dollars; of the city of Bristol, one hundred and fifty dollars; of the city of Radford, one hundred and fifty dollars; of the city of Buena Vista, seventy-five dollars; of the city of Newport News, four hundred dollars.

2. Be it further enacted, that section three thousand five hundred and twenty-four of the Code of Virginia, as amended by an act approved February twentieth, nineteen hundred, and section three thousand five hundred and twenty-five of the Code of Virginia, be, and the same are hereby, repealed.

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CHAP. 250.—An ACT to amend and re-enact section 2220 of the Code of Virginia to authorize corporation courts to appoint persons to celebrate the rites of marriage.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section twenty-two hundred and twenty of the Code of Virginia be amended and re-enacted so as to read as follows:

§2220. The circuit and corporation courts of this State which deem it expedient may appoint one or more persons, resident in such county or city, to celebrate the rites of marriage within the same, and upon any person, so appointed, giving such bond as required of an ordained minister, may make a like order authorizing him to celebrate the rites of marriage in such county or city as the case may be. Any order made under this or the preceding section may be rescinded at any future term.

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CHAP. 251.—An ACT to define the business of a lightning rod dealer selling by sample and to impose a license tax on said business.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That any person, firm, or corporation who sell by sample in person or through agents taking orders and thereafter delivering the lightning rods and all material necessary to the erection of the same to the person or persons from whom said orders have been secured and erecting the same as directed, the same shall be known as a lightning rod merchant.

2. Every such lightning rod merchant shall pay a specific State license tax of twenty-five dollars for each license year, which shall not be sub-

ject to any abatement, and shall, in addition to said State license, secure from the commissioner of every county or city in which such business is done an additional license for each license year of ten dollars.

3. Nothing in this act shall apply to peddlers of lightning rods selling and delivering same at the time of the sale. Any person, firm, or corporation selling contrary to the provisions of this act shall be fined not less than fifty nor more than five hundred dollars for each offense.

4. All acts and parts of acts in conflict with this act are hereby repealed.

5. An emergency existing, this act shall be in force from its passage.

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CHAP. 252.—AN ACT to authorize the several school boards of the school districts in this State to borrow money belonging to the literary fund for certain purposes, and to authorize the loan of said funds to each district.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the State board of education be, and it is hereby, authorized to loan to the school boards of the school districts in this State making application therefor, money belonging to the literary fund and in hand for investment for the purpose of erecting school-houses in such districts, on the terms and conditions hereinafter set forth and subject to such rules and regulations as may be promulgated by the said board.

2. The several school boards of the school districts in this State are hereby authorized to borrow money belonging to the said literary fund, and the district school boards of any district desiring to borrow a part of said fund shall make written application to the State board of education and shall set forth therein (one) the amount of the proposed loan; (two) the plans and specifications, estimated cost and location of the building to be erected; and (three) facts showing the advisability of erecting the same.

3. Upon the approval of the State superintendent of public instruction of the plans and specifications for and the location of the proposed building and of the making of the loan, the State board of education may, in its discretion, make such loan: provided, that no such loan for any one building shall exceed the sum of three thousand dollars, nor shall it exceed fifty per centum of the cost of the same, and no loan shall be made to aid in the erection of a building to cost less than two hundred and fifty dollars.

4. All such loans shall bear interest at the rate of four per centum per annum, payable annually on the \_\_\_\_\_ day of \_\_\_\_\_, the principal thereof shall be payable in ten annual installments, and shall be evidenced by bonds or notes payable to the Commonwealth of Virginia for the benefit of the literary fund, executed or signed by the chairman of the school boards of each district and attested by the clerk thereof. Payments of interest and principal shall be made to the State treasurer through the second auditor and evidences of debt taken for such loans shall be deposited with second auditor and kept by him.

5. The district school boards of a district borrowing funds under the provisions of this act shall request the board of supervisors of their respective counties to cause a district tax to be levied sufficient to meet its liabilities on such contract; and in the event that such board shall fail to pay any installment of interest or principal promptly, then upon notice in writing to that effect from the second auditor or from the State superintendent of public instruction, the county treasurer or other person having the custody of the district funds of such district shall pay to the State treasurer, through the second auditor, any such past due installment of interest or principal out of any district funds in his hands belonging to such district. The failure of the school board of a district to provide for the payment of such loan shall be deemed a cause for removal from office.

6. Before making any loan under this act, the State board of education shall be satisfied that the school district borrowing the fund has a good and sufficient title in fee to the real estate on which the proposed building is to be erected, and shall take proper measure to secure the expenditures of the money for the purpose for which it is loaned.

7. The board of education by reasonable rules and regulations, shall provide for an equitable distribution of the funds loaned under this act amongst the several school districts and sections of the State.

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CHAP. 253.—An ACT to amend and re-enact section 3725 of the Code of 1887, as amended and re-enacted by an act approved March 3, 1894, as further amended and re-enacted by an act approved March 5, 1896, and as further amended and re-enacted by an act approved March 14, 1904, in regard to obstructing or injuring any part or work of any canal, railroad, and soforth, and prescribing punishment therefor.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section thirty-seven hundred and twenty-five of the Code of Virginia, as amended and re-enacted by an act approved March third, eighteen hundred and ninety-four, as further amended and re-enacted by an act approved March fifth, eighteen hundred and ninety-six, and as further amended and re-enacted by an act approved March fourteenth, nineteen hundred and four, in regard to obstructing or injuring any part or work of any canal, railroad, and soforth, and prescribing punishment therefor, be amended and re-enacted so as to read as follows:

§3725. If any person maliciously obstruct, remove, or injure any part of a canal, railroad, or urban, suburban or interurban electric railway, or any lines of any electric power company, or any bridge or fixture thereof, or maliciously obstruct, tamper with, injure, or remove any machinery, engine, car, trolley, supply or return wires, or any other work thereof, or maliciously open, close, displace, tamper with, or injure any switch, switch point, or switch lever, or signal of any such company, whereby the life of any passenger or other person on such canal, railroad, urban, suburban, or interurban electric railway, is put in peril, he shall be con-

fined in the penitentiary not less than two nor more than ten years; and in the event of the death of any passenger or other person resulting from such malicious act, the person so offending shall be deemed guilty of murder, the degree to be determined by the jury.

If any act be committed unlawfully, but not maliciously, the person so offending shall, upon conviction thereof, be punished by confinement in the penitentiary not less than one nor more than three years, or at the discretion of the jury, be confined in jail not to exceed twelve months and fined not less than one hundred dollars nor more than five hundred dollars.

2. All acts and parts of acts in conflict herewith are hereby repealed.

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CHAP. 254.—An ACT to prevent the shooting of pigeons, fowls, or other birds for amusement, and renting of premises for such purposes.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That whoever keeps or uses a live pigeon, fowl, or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship, or shoots at a bird kept or used as aforesaid, or is a party to such shooting, or lets any building, room, field, or premises, or knowingly permits the use thereof for the purpose of such shooting, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment. Nothing herein contained shall apply to the shooting of wild game.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

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CHAP. 255.—An ACT to authorize the school boards of the several school districts in the counties of this State to borrow money, and to issue bonds for the purpose of erecting and furnishing school houses, and to provide for the payment of such bonds and the interest to accrue thereon.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That whenever the school board of any school district in any of the counties of this State shall, by resolution duly spread upon the minutes of the proceedings of such board, declare that an additional school-house or school-houses are necessary to provide additional public school facilities for the children of the school age in such district, and that the school funds of such district will not be sufficient within three years from the date of said resolution to provide such additional school building or buildings, and to furnish the same, and the statement of facts contained in the resolution of such school board shall be confirmed and approved by resolution of the board of supervisors of the county wherein such school district is located, the school board of any such district may, when authorized by a vote of a

majority of the qualified voters of any such district, as hereinafter provided, borrow money for the purpose of erecting a school-house or school-houses therein and for furnishing the same, and may issue either registered or coupon bonds for the sums of money so borrowed; the said bonds to be payable at a period not exceeding thirty years after their date, and to be made redeemable at the option of any such school board at any time after five years from their date, and such bonds shall bear interest at a rate not exceeding six per centum per annum, payable either annually or semi-annually, as the school board may prescribe: provided, that no such bonds shall be sold for less than their par value, and that at no time shall the aggregate amount of bonds issued and outstanding in any school district exceed seventeen per centum of the aggregate assessed value of the real estate located in such school district.

2. That the said bonds shall be of such form and denomination as the school board of any such school district by resolution spread upon the minutes of the board, may prescribe, and shall be signed by the chairman and attested by the secretary of the board, and there shall be a lien upon the school property erected and procured with the proceeds of the sale of any such bonds for the payment of the principal thereof, and the interest to accrue thereon; and if it shall be so stated on the face of the bonds, there shall be a lien on all the school property of the school district issuing and selling the same for the payment of the principal thereof and the interest to accrue thereon.

3. That the proceeds realized from the sale of any such bonds issued under the provisions of this act shall not be used for any other purposes than that of erecting school buildings and furnishing the same.

4. That no bonds shall be issued under the provisions of this act unless authorized by a vote of the majority of the qualified voters of the school districts proposing to issue the same, at a special election to be ordered and held as hereinafter provided.

5. When the resolutions of the school board and board of supervisors shall be certified to the circuit court of the county in which any such school district is located, together with the location of the school-house or school-houses to be erected, with the plans, specifications, and estimated cost thereof, approved by the district or division school superintendent, the said court shall order a special election to be held in any such district at such time and after such notice (which shall not be less than two weeks), as the court may prescribe by order entered upon its minutes, to pass upon the question whether such bonds shall be issued or not, for the amount recommended by the school board of such district. And the clerk of the court shall give the notice required by the court of such special election by publication in some newspaper of the county in which such school district is located, and if there be no newspaper published in such county, then in a newspaper published in some adjoining county, or nearby city or county, and by having the same posted by the sheriff of the county in at least ten conspicuous points in any such school district, which said notice shall state the amount of bonds to be issued and the purpose of the proposed issue thereof. The clerk and sheriff of the



county shall each receive for their services hereunder two dollars, to be paid out of the county treasury.

6. The board of supervisors shall prepare the tickets and all other necessary details for such special election, and shall pay the expenses thereof out of the funds of the county, and any such election shall be conducted and held in like manner as regular elections, and the laws of the State applying to general elections shall apply to such special elections, except as hereinafter provided, and the judges and clerks of the regular elections in said district shall be the judges and clerks in any such special election, and shall receive the same compensation; and the voting precincts in any such district for general elections shall also be the same for any such special elections.

7. The judges and clerks of such special elections shall canvass the vote and certify the same to the county clerk in the same manner as required by law in general elections, and on the second day following such special election, it shall be the duty of the county clerk, the Commonwealth's attorney, and the commissioner of the revenue, who are hereby constituted a board of canvassers for that purpose, to meet in the clerk's office of said county and to canvass the returns of such special election, and certify the results ascertained by them to the board of supervisors of the county, who shall spread the same upon the minutes of the board, and when this shall have been done, if no notice of contest of said election shall have been filed, within ten days after said election, the certificate of the canvassing board, hereby created, shall be conclusive of the legality and regularity of said special election and of the result thereof.

8. All registered voters of any such school district who were qualified by the payment of their capitation taxes to vote in the last preceding general election, shall be qualified to vote in any such special election.

9. From the school levies of any such school district there shall be paid, as it matures, the interest on the bonds hereby authorized, and there shall be set aside annually, as a sinking fund, such a sum as will provide for the payment of the principal when it matures. Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said board may, with the approval of the division superintendent of schools for said county, select. The said school board shall annually report to the board of supervisors of the county the amount of the debt outstanding and the amount and condition of the sinking fund.

10. This act shall not be construed to repeal or amend any special acts passed by this or any previous general assembly, allowing or authorizing any school district in this State to borrow money and to issue bonds therefor.

11. An emergency existing, in that provision should be promptly made to enable school boards desiring so to do to borrow money for the erection of school-houses in order to have them ready for the next school session, this act shall be in force from its passage.

CHAP. 256.—An ACT to require the State corporation commission to fix and prescribe rates for passenger travel by transportation companies or corporations in this State, and making it unlawful for such transportation companies or corporations operated by them, to charge an excess sum over and above certain rates, until rates are prescribed by the State corporation commission, and providing a penalty for violation of this act.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That from and after this act shall take effect, the power is conferred in the State corporation commission, and it is required to fix and prescribe a schedule of rates for the transportation of passengers by all transportation companies or corporations, and until such rates are prescribed by the State corporation commission, all transportation companies or corporations, operated by steam, shall at all times keep on sale at each and every station mileage books of five hundred miles and over, which books may contain such reasonable conditions and restrictions as may from time to time be approved by the State corporation commission.

2. And until said rates are fixed and prescribed it shall be unlawful for any transportation company or corporation, operated by steam, to charge or collect a greater sum than two cents per mile on such mileage books, and such mileage books shall be good and valid for the use of any dependent household member of the family of the party to whom issued, dwelling under the same roof, within one year from the date of same: provided, however, the name of any person so entitled to use such book or books shall be furnished in writing by the purchaser at the time of purchase, and shall be inserted in such book or books.

3. The purchaser of such mileage book, or such person as may be entitled to use the same as mentioned in section two of this act, shall be entitled to travel on the lines of such transportation companies or corporations in this State on the presentation of such mileage book, over the lines owned, controlled, or operated by such corporation issuing said mileage book, for the number of miles called for by the said mileage book, or any portion thereof, and the conductor or agents of such transportation company or corporation shall detach from said mileage book coupons representing the number of miles travelled at the rate of two cents per mile, except that five miles as a minimum may be detached, and such mileage book shall entitle the purchaser thereof, or the parties entitled to use the same, to the same rights and privileges to which the holder of the highest class ticket issued by said company or corporation is entitled.

4. That it shall be unlawful for any person other than the authorized agent of the transportation company or corporation issuing the same to sell or otherwise deal in or offer to sell such mileage book or books, or any part thereof.

5. That the transportation company or corporation issuing such book or books shall redeem within eighteen months after the expiration of the time limit named in said book any unused portion of such book or books, deducting the regular rate for the portion used; and such redemption shall

be made within fifteen days after presentation of such mileage book or books to any authorized agent of the issuing road or corporation.

6. Any transportation company, corporation, or person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars for each offense.

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CHAP. 257.—An ACT to amend and re-enact sections 4, 5, 6, 9, 14, 25, and 27 of an act concerning the exercise of the power of eminent domain, approved January 18, 1904.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That sections four, five, six, nine, fourteen, twenty-five, and twenty-seven of an act concerning the exercise of the power of eminent domain, approved January eighteen, nineteen hundred and four, be, and they are hereby, amended so as to read as follows:

§4. Any company heretofore or hereafter chartered by this State, which is authorized by its charter or the laws of this State to condemn land or other property, or any interest or estate therein, for its uses, which cannot, because of the incapacity of the owner, or any one of them, or inability to agree upon the price or terms, or because the owner cannot, with reasonable diligence, be found in this State, or is unknown, agree on terms of purchase with those entitled to any land or other property, or an interest or estate therein, wanted to be taken and used in the construction, maintenance, operation, improvement, or straightening of its line or works, or change of location of its line or works, or in constructing or providing additional facilities, or for other necessary purposes of such company, desiring to condemn any land, or other property, any interest or estate therein, for any of its uses or purposes aforesaid, or entitled to damages to property by reason of the doing of such work or the making of such improvement, where no property is taken, shall, before making application for the appointment of commissioners as hereinafter provided, file in the clerk's office of the proper court, as defined in section two of this act, a petition for the appointment of commissioners as hereinafter provided, which shall be signed by the president, vice-president, general manager or general superintendent of such company, and shall set forth the interest and estate intended to be taken in the land or other property, or the damages to any person likely to arise by reason of the doing of such work or making of the proposed improvement, and the material facts upon which the application for the appointment of commissioners is based, and specially the fact that the land or other property, or interest or estate therein sought to be condemned is wanted for the uses and purposes of the company, or where no property will be taken for such uses and purposes, but property will be damaged, the necessity for the work of improvement which will cause, or is likely to cause, damage to the property or estate of any person, with which petition shall be filed a plat of the survey, with a

profile showing the cuts and fills, trestles and bridges, and a description of the land or and other property which, or an interest or estate in which, is sought to be condemned, or damaged, and if known to such company, a memorandum showing the names and residence of the owner or owners of such land or other property; and if more than one parcel of land or property, or an interest or estate therein, a plat of the survey and a description of each, with profile as aforesaid, and if known to such company the names and residences of the owners of each, and showing also the quantity of land or other property which, or an interest or estate in which, is sought to be condemned, or will be, or is likely to be damaged.

§5. Upon complying with the requirements of the preceding section, any such corporation may give ten days' notice of its intention to apply to the proper court, as defined in section two of this act, for the appointment of commissioners to ascertain what will be just compensation for the land or other property, or for the interest or estate therein, proposed to be condemned for its uses, and to award the damages, if any, resulting to the adjacent or other property of the owner, or to the property of any other person, beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works, which notice shall be served on the tenant of the freehold, or his guardian, or committee, or if it shall appear by affidavit or by the averment of the petition that such tenant, guardian or committee is a non-resident of this State, or if there be no such tenant, guardian, or committee within this State, or if such tenant, guardian, or committee cannot, with reasonable diligence, be found, or is unknown, such notice, instead of being served, may be by order of publication and posting, as prescribed by law. But where the notice to the tenant, guardian, or committee is so served, the notice to other parties whom it may concern shall be published once a week for two successive weeks in a newspaper published in the city or county wherein the land or property which, or an interest or estate in which, is proposed to be condemned or damaged is located, and by posting the same at the front door of the courthouse of said city or county ten days previous to such application; or, if no newspaper be published in said city or county, then such notice shall be posted as hereinbefore prescribed, and shall be published in some other convenient newspaper in this State, to be designated in term time, or in vacation, by the judge of the court to which such application is to be made.

§6. Upon its appearing that such notice has been given that such company has complied with the provision of section four of this act, and that the land or other property, or the interest or estate therein sought to be condemned is wanted for the uses and purposes of such company, or that property will be damaged, or is likely to be damaged, by the doing of such work or making of such improvement, though no property or estate be actually taken, the court of the county or city in which the said land or other property, or a greater part thereof, lies, shall appoint five disinterested freeholders, residing in such county or city, any three or more of whom may act, for the purpose of ascertaining a just compensation for such lands or other property, or for such interest or estate therein, and awarding the damages, if any, resulting to the adjacent or other property

of the owner, or to the property of any other person, beyond the peculiar benefits that will accrue to such properties, respectively, from the construction and operation of the company's works; and in the order appointing such commissioners, the court shall designate the day and hour for them to meet, which order shall operate as notice of such meeting to all parties in interest. Any one or more of said commissioners attending on the land, or other property, may adjourn from time to time until the business shall be finished. The said commissioners having viewed the land or other property, may, from time to time, adjourn to such other place in the city or county as they may deem expedient, for the purpose of hearing evidence and arguments and conferring about and formulating their report. The said commissioners shall receive three dollars for every day they may be employed in the performance of their duties, which shall be paid by the parties at whose instance they are appointed, unless otherwise ordered by the court.

§9. The said report, and the certificates of the officer administering the oath, shall be forthwith returned to the clerk's office of such court of the county or city, where it shall remain for at least thirty days, after which, unless good cause be shown against the report, the same shall be confirmed by the court. The sum so ascertained to be a just compensation, and the measure of damages, if any, may be paid to the persons entitled thereto, or into court, and, when paid to the persons entitled thereto, the receipt for the same, when witnessed by two witnesses or acknowledged before a person duly authorized to take acknowledgments of deeds, together with the report, shall be recorded by the clerk of the court, and both the report and the receipt, when so recorded, duly indexed by the clerk. Upon such payment, either to the person entitled thereto or into court, and confirmation of the report, the title to the part of the land, and to the other property for which such compensation is allowed, shall be absolutely vested in the company, in fee simple, except in the case of a turnpike company, where a sufficient right of way only for the purposes of such company shall be vested, and except, also, in the case of any other company where, if the notice of the application to the court shall so specify or describe, and the petition shall so pray, the interest or estate as shall be so specified or described and prayed for, shall be vested. Nothing in this act contained shall be construed as authorizing the condemnation of a less estate in the property taken than is owned by the party against whom the proceeding is.

§14. After the payment of the amount of compensation and damages into court as hereinbefore prescribed, the interest or estate of the owner or owners shall terminate, and the interest or estate of such owner or owners shall be vested in the said compensation or damages so paid into court as was vested in such property so taken or damaged, and all liens by a deed of trust, judgment, or otherwise upon said property or estate shall be transferred to such money so paid into court, and the court shall make such distribution of such money as to it may seem right, having due regard to the interest of all persons therein, whether such interest be vested, contingent or otherwise, and to enable the court to make a proper distribution of such money it may, in its discretion, direct inquiries to be taken

by a commissioner of the court or by a special commissioner in order to ascertain what persons are entitled to such money, and in what proportions, and may direct what notice shall be given of the making of such inquiries by such commissioner or special commissioner.

§25. If the court, or the board of supervisors, of any county, the council of any city or town, the trustees of any school district, the institution for the deaf and blind, any of the State hospitals, the university of Virginia, the Virginia military institute, or any other institution of this State, cannot, because of the incapacity of the owner or inability to agree upon a price or terms, or because the owner cannot, with reasonable diligence, be found in this State, or is unknown, agree on terms of purchase with those entitled to any land, buildings, structures, sand, earth, gravel, water, or other material necessary to be taken and used for the purposes of such county, city or town, or school district, or for the purposes of the institution for the deaf and blind, or of any such State hospital, or of the university of Virginia, or of the Virginia military institute, or of any other State institution, or upon the damages to private property by reason of the doing of such work or making such improvement, it may acquire such property by condemnation under the provisions of this act, or have such damages ascertained, and the proceedings in all such cases shall be according to the provisions of this act so far as they can be applied to the same.

§27. If, any proceeding under the provisions of this act, the commissioners shall fail to report as hereinbefore provided within one year from the date of the order appointing them, such appointment shall ipso facto be vacated, and proceedings shall thereafter be had de novo for the appointment of other commissioners, but this section shall not be construed as to preclude the appointment of any one or more, or all, of the former commissioners. If, in any such proceeding, the amount or amounts ascertained by the commissioners as aforesaid be not paid either to the party entitled thereto, or into court, within three months from the date of the filing of the report of the commissioners, the proceedings shall, on the motion of any defendant, be vacated and dismissed as to him, but not otherwise.

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CHAP. 258.—An ACT to amend and re-enact an act to authorize the councils of towns, villages, or where there are no such councils, the boards of supervisors of any county in which there may be any town, village, or other point in this State not having adequate police protection, to prohibit the transportation by railroad companies of excursions or picnic parties, and to make it unlawful for railroad companies to transport excursions or picnic parties to such towns, villages, or other points in this State under certain conditions, approved March 14, 1904.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That an act to authorize the councils of towns, villages, or where there are no such councils, the board of supervisors of any county in which there may be any town, village, or other point in the State not having adequate police

protection, to prohibit the transportation by railroad companies of excursions or picnic parties, and to make it unlawful for railroad companies to transport excursions or picnic parties to such towns, villages, or other points in this State under certain conditions, approved March fourteenth, nineteen hundred and four, be amended so as to read as follows:

§1. It shall be lawful for the councils having jurisdiction thereof, or where there is no council, the board of supervisors of any county in this State in which there is any town, village, station, or other point, other than seaside, mountain, or summer resort, or any steamboat wharf to which now or hereafter there may regularly be made six landings weekly, not having adequate police protection, to prohibit, either absolutely or conditionally, any railroad company, steamboat company, or other carrier of passengers, steam or electric, to charter or transport any train, car, boat, or vessel for excursions or picnic parties destined to any town, village, station, or other point in this State, other than seaside, mountain, or summer resort, not having adequate police protection.

§2. The council having jurisdiction over any town, village, or point, or where there is no such council the board of supervisors of any county in which the same may be, desiring to avail itself of the benefit of this act, shall do so by resolution passed as other resolutions are required to be passed.

Notice of such resolution shall forthwith be given to all railroad companies, or steamboat companies, operating lines to, through, or by such village, town, station, or point, as is referred to in section one of this act, and the same shall be sufficiently served by delivering a copy thereof to the agent of such company having an office or place of business in or nearest to such town, village, station, or point, if such company has any such agent in such county or city; and after such notice it shall be unlawful for any railroad or steamboat company receiving the same to transport or charter any train, car, or boat, or vessel, for excursion or picnic parties, destined to any such town, village, station, or other point, except upon the terms and conditions specified in such resolution: provided, that nothing in this act shall apply to any seaside, mountain, or summer resort.

§3. Any railroad company, steam, or electric, or steamboat company, or common carrier of passengers, violating the provisions of this act shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

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CHAP. 259.—An ACT to amend and re-enact section 1038 of an act entitled "chap. 269, an act to amend and re-enact chapter 44 of the Code of Virginia (1887), in relation to cities and towns, and to repeal sections 1039 and 1040 of the Code of Virginia, and section 1043 of the Code of Virginia as amended and re-enacted by an act approved March 4, 1896, and as attempted to be repealed by an act approved March 7, 1900, and to repeal an act approved March 7, 1900, entitled 'an act to provide for local assessments in cities and towns,' approved May 20, 1903."

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section one thousand and thirty-eight of an act entitled "chapter two hundred and

sixty-nine—an act to amend and re-enact chapter forty-four of the Code of Virginia (eighteen hundred and eighty-seven), in relation to cities and towns, and to repeal sections one thousand and thirty-nine and one thousand and forty of the Code of Virginia, and section one thousand and forty-three of the Code of Virginia as amended and re-enacted by an act approved March fourth, eighteen hundred and ninety-six, and as attempted to be repealed by an act approved March seventh, nineteen hundred, and to repeal an act approved March seventh, nineteen hundred, entitled “an act to provide for local assessments in cities and towns,” approved May twentieth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§1038. General and enumerated powers of councils of cities and towns. In addition to the powers conferred by other general statutes, the council of every city and town shall have power to lay off streets, walks, or alleys; alter, improve, and light the same, and have them kept in good order; to lay off public grounds and provide all buildings proper for the city or town; to provide a prison-house and workhouse, and employ managers, physicians, nurses, and servants for the same, prescribe regulations for their government and discipline, and for the persons therein; to prescribe the time for holding markets and regulate the same; to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and cause any nuisance to be abated; to regulate the keeping of gunpowder or other combustibles, and provide magazines for the same; to provide in or near the city or town water works and places for the interment of the dead; to prevent the pollution of the water and injuries to the water works, for which purpose their jurisdiction shall extend to five miles above the same; to make regulations concerning the building of houses in the city or town; to make regulations for the purpose of guarding against danger from accidents by fire, and, on the petition of the owners of not less than two-thirds of the ground included in any square to prohibit the erection in such square of any building, or an addition to any building more than ten feet high, unless the outer walls thereof be made of brick and mortar, or stone and mortar, and provide for the removal of any building or addition erected contrary to such prohibition; to provide for the weighing or measuring of hay, coal, or any other articles for sale, and regulate the transportation thereof through the streets; protect the property of the city or town and its inhabitants, and preserve peace and good order therein. The council of any city or town may, in their discretion, authorize or require the fire department thereof to render aid in cases of fire occurring beyond their limits, and may prescribe the conditions on which such aid may be rendered. For carrying into effect these and their other powers, they may make ordinances and by-laws, and prescribe fines or other punishment for violation thereof, keep a city or town guard, appoint a collector of its taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with sureties, in such penalty as to the council may seem fit, payable to the city or town by its corporate name, and with condition for the faithful discharge of the said duties. Cities and towns of this Commonwealth are hereby authorized to make



appropriations of public funds, of personal property, or of any real estate to any charitable institution or association, located within their respective limits: provided, such institution or association is not controlled in whole or in part by any church or sectarian society. But the words "sectarian society" shall not be construed to mean a non-denominational young men's christian association or a non-denominational women's christian association. And nothing in this section shall be construed to prohibit any city from making contracts with any sectarian institution for the care of indigent, sick, or injured persons.

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**CHAP. 260.**—An ACT prohibiting the corrupt influencing of agents, employees, or servants, and prescribing penalties upon persons using such influence, and upon agents, employees, or servants submitting themselves thereto.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That any person who gives, offers, or promises to an agent, employee, or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer, or master of such agent, employee, or servant, with intent to influence his action in relation to his principal's, employer's, or master's business; or an agent, employee, or servant who without the knowledge and consent of his principal, employer, or master, requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner as to his principal's, employer's, or master's business; or an agent, employee, or servant, who being authorized to procure materials, supplies, or other articles either by purchase or contract for his principal, employer, or master, or to employ service or labor for his principal, employer, or master, receives directly or indirectly, for himself or for another, a commission, discount, or bonus from the person who makes such sale or contract, or furnishes such materials, supplies, or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee, or servant such commission, discount, or bonus shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, or by such fine and by imprisonment for not more than one year: provided, that nothing contained in this act shall be construed to mean that an agent, servant, or employee shall not resign his position whenever he so desires, nor shall it be construed to mean that no person shall employ said agent, servant, or employee.

2. No witness called by the court or Commonwealth's attorney and giving evidence for the prosecution either before the justice of the peace, the grand jury, or the court in a prosecution under this act, shall ever be proceeded against for any offense hereunder concerning which he testifies, but such witness shall be compelled to testify and for refusing to answer a question shall be fined not less than one hundred dollars, and be imprisoned for a term not exceeding six months.

CHAP. 261.—An ACT relating to the charter of the town of Port Royal, Va.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That in addition to the provisions of the charter of the town of Port Royal, as it now exists, the following shall be a part of said charter:

1. The council shall control and manage the water works of said town, either by itself or through such committees or agencies as it may adopt; and the council shall prescribe and regulate the rates of charges to be paid for the use of water furnished by the town to the citizens thereof, and to persons outside the corporate limits thereof, who may wish to purchase water from the town. They may impose fines and penalties for the injury and abuse of said works, or property connected therewith, as may be permitted by general law.

The council of the town of Port Royal, whenever three-fourths of its members, by a recorded vote, decide that it is to the interest of the town so to do, may borrow money to the extent prescribed by the Constitution and laws of the State of Virginia, for the uses and purposes of the town, by issuing bonds of the said town and selling the same for the purpose of raising such money.

Any bonds which may be issued under this act may be either registered or coupon bonds, and shall be issued in such denominations and bear such rate of interest, not exceeding the legal rate per centum per annum, as may be determined by the council. Such bonds shall be made payable in not exceeding thirty years from their date, and may, at the option of the council, be made redeemable after such time as the council may prescribe; the interest shall be made payable annually, or semi-annually, as the council may determine; and the council may exempt any or all of such bonds from town taxes; in which case a clause to that effect shall be inserted in each bond. The treasurer shall endorse on each bond issued and sold a certificate to the effect that the town of Port Royal has received the amount of said bond from the holder, and when such certificate is so endorsed upon said bond, and signed by the treasurer the title to the purchaser shall in no case be questioned, nor shall the purchaser, or any subsequent holder, be required to see to the proper application of the money by the town, and the validity of such bonds shall never thereafter be questioned. All bonds issued by virtue of this act shall be signed by the mayor, and countersigned by the recorder, and shall have the seal of the town affixed thereto, and said bonds shall be issued and sold, and the proceeds used under the orders of the council. Every bond issued by the council shall state on its face for what purpose it was issued: provided, always, that no bonds shall be issued or sold for the purpose of subscribing to the stock of any company for internal improvement or other purposes; and nothing contained in this charter shall be held to authorize the council to endorse or guarantee the bonds of any person or corporation whatever.

The first election under this act shall be held on the second Tuesday in June, nineteen hundred and seven, at such place in said town as shall be

designated by the council of the town; and biennially thereafter there shall be held an election of seven councilmen of the said town on the second Tuesday in June, at such place and under such rules and regulations and subject to such provisions as the council may prescribe. Notice of the time and place of the holding of election under this act shall be published at least ten days before the holding of such election by the posting by the town sergeant of printed hand-bills in at least five public places in said town. The councilmen under this act shall qualify on or before the first day of September next succeeding their election.

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CHAP. 262.—An ACT to amend section 12 of an act of the general assembly of Virginia, entitled an act to provide a new charter for the town of Pulaski, approved February 2, 1898.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section twelve of an act entitled an act to provide a new charter for the town of Pulaski, approved February second, eighteen hundred and ninety-eight, be, and the same is hereby, amended and re-enacted so as to read as follows:

§12. To establish, improve, or enlarge water works and electric light works, or gas works, or to construct and equip and operate new electric light plants or water works, electric wires, poles, pipes, and other appurtenances to said plants within or without the corporate limits of said town for the purpose of supplying the inhabitants of said town, or other persons, companies, or corporations with water, electric lights or power; to contract with the owners of any land, or water, or water rights, or other rights, for the use and purchase thereof, or to have the same condemned for the purposes aforesaid, whether situated within or without the corporate limits of the said town, for the location, extension, enlargement, or improvement of said works, or for the construction of new works, the pipe lines, wires, or pole lines connected therewith, or any fixtures and appurtenances thereof, and shall, so far as not in conflict with the general law, have jurisdiction over and the power to protect from injury by ordinances prescribing adequate penalties the said pipes, fixtures, and land, or anything connected therewith, or works, fixtures, and other appurtenances, or water and electric light plants, or gas works, established under its authority, within or without the corporate limits of said town; and in order to establish any of the said plants the council may, in their discretion, have power to execute and issue, negotiate, and sell the bonds of said town not to exceed, including the then existing indebtedness, fifteen per centum of the assessed value of the real and personal property, assessed for taxation, within the corporate limits of said town, which bonds shall not run exceeding thirty-four years from the date of issue, and shall bear interest not exceeding six per centum per annum; but no such bonds shall be issued for such purposes except upon the petition of freeholders, persons, or corporations owning property in said town, who represent at least three-fifths of the assessed value of the real estate

within the corporate limits of said town. The condemnation proceedings herein authorized for property or rights within said town shall be according to the provisions of section five of said act and for property or rights without said town shall be according to the provisions, so far as they can be made to apply to the same, of an act concerning the exercise of the power of eminent domain found in the acts of the general assembly, nineteen hundred and two, nineteen hundred and three, and nineteen hundred and four, page nine hundred and fifty-seven, and being chapter forty-six b of Pollard's Virginia Code of nineteen hundred and four, and not contrary to any general law of the State.

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CHAP. 263.—An ACT to amend and re-enact sections 3, 8, 10, 11, 13, 14, 15, and 16 of an act entitled an act to provide for the working and keeping in repair the public roads and bridges of Page county, and for opening new roads and changing the location of existing roads, approved February 2, 1898.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That sections three, eight, ten, eleven, thirteen, fourteen, fifteen, and sixteen of an act entitled an act to provide for working and keeping in repair the public roads and bridges of Page county, and for opening new roads and changing the location of existing roads, approved February second, eighteen hundred and ninety-eight, be amended and re-enacted so as to read as follows:

§3. The circuit court of said county, or the judge thereof in vacation, shall, on or before the first day of June, nineteen hundred and six, and biennially thereafter, appoint a discreet freeholder of said county, who shall be the commissioner of roads of said county, and who shall within five days after receiving notice of his appointment, qualify before the clerk of said court by taking the oath of office prescribed for other county officers, and executing and filing with the said clerk a bond, with security in the penalty of five hundred dollars, conditioned for the faithful discharge of the duties of his office. He shall hold his office for two years, and until his successor shall have been appointed and qualified, and shall receive as compensation two dollars per day for each day he shall be actually employed in the discharge of the duties of the office. Any vacancy occurring in the office shall be filled by the said court or the judge thereof in vacation. He shall, on or before the first day of July, nineteen hundred and six, and annually thereafter, appoint as many overseers of roads in each district as the supervisor of such district shall notify him are required. If the supervisor of any road district shall fail to notify him at the time herein fixed as to the number of overseers required in his district, he shall ascertain the number from the minute book of the board of supervisors, and at once appoint such overseers. He shall, once a year, prior to the meeting of said board, at which the overseers of roads are paid, with the supervisor of the district, inspect the public roads and bridges of each district, and report to the said board, in writing at such meeting, whether the public roads and bridges in the several districts have

been constructed, worked and kept in repair, according to specifications and the law, and in such report shall make any suggestions as to changes in the roads or manner of working the same as he may deem pertinent. He shall have power to remove any overseer for cause. The supervisor of each magisterial district shall keep his district divided into as many road districts as he may deem advisable, and may increase or diminish the number, as in his judgment the public interest may require, and shall record in the minute book of said board the number of road districts in his district; and prior to the fifteenth day of June in the year nineteen hundred and six, and annually thereafter at such time, notify in writing, the commissioner of roads of the number of said road districts.

§8. No public road shall be less than fifteen feet nor more than thirty feet wide, at the discretion of the board. In working all public roads, the road bed shall be raised in the middle and slope gradually to each side, with ditches sufficient to carry off the water, which ditches shall be kept open at all times. All public roads shall be clear of all loose rocks and other obstructions.

§10. All applications or petitions for opening new roads or changing the location or width of existing roads, shall be made to the board of supervisors of said county, but no such application or petition shall be considered by said board unless the approval of the supervisor of the district in which such proposed or existing road is located, is endorsed thereon.

§11. Upon such application being made to said board, it shall appoint three disinterested and discreet freeholders, not residents of the magisterial district in which said road is located, who, after being duly sworn to discharge their duties impartially to the best of their judgment, shall go upon the route along which it is proposed to establish a new road, or on the road the location of which is proposed to be changed, and locate the road along and over the most feasible and practicable route. In locating a new road or changing the location of an existing road, said commissioners shall have respect to the shortest distance and best location, so as to do the least injury to private property, and also, as far as practicable, to be agreeable to the persons to be affected thereby; but in no case shall a yard, garden, orchard, cemetery or graveyard, or any part thereof, be taken without the consent in writing of the owner: provided, however, that in cases where it is absolutely necessary for the public good, and to a compliance with section nine of this act, a public road may be located through an orchard without the owner's consent. The said commissioners shall employ a competent surveyor, who may be one of their number, who shall make a survey of the route of the road as located or changed. Such surveyor shall make out a report of such survey, giving the beginning and terminus of said road as located or changed, the various bearings and distances of the route, the width and grade of said road, and shall also make a full plat of said survey. The said commissioners shall assess all damages that may be sustained by any one by the alteration or location of said road, taking into consideration the conveniences and inconveniences that may result to all such persons by the establishment or alteration of such road. They shall make a full report in writing of all

their proceedings as herein required, which report, together with the report and plat of the surveyor, shall be returned to said board of supervisors. If the commissioners be of opinion that the road ought not to be established or altered, as prayed for, they shall so report and give the reasons for their opinion.

§13. Any person feeling himself aggrieved by the action of the commissioners appointed under section eleven of this act may make application to said board not later than the next meeting thereof after the said report shall have been returned, for the appointment of other commissioners, and the said board shall thereupon appoint three other commissioners in the same manner, with powers and duties similar in all respects to those first appointed, who, after being duly sworn for that purpose, shall proceed to discharge the duties for which they were appointed, as provided in section eleven, after having given notice, as provided in section twelve of this act. The report of the second set of commissioners shall be final, and no further application shall be heard by the said board. If the report of the second set of commissioners shall confirm the report of the first commissioners, or shall not materially differ therefrom, the costs accruing from the appointment of the second commissioners shall be paid by the party or parties applying therefor and shall be recoverable upon motion, after ten days' notice, before the circuit court of said county.

§14. If any citizen of said county or any overseer of roads shall represent to the board of supervisors that any road in his district, or any part thereof, is not of sufficient width, and the said board shall ascertain that the said road as originally established was of sufficient width, but that it has been encroached upon by the landholders on either side, by the erection of fences, the said board shall proceed to widen said road, if in their opinion it is necessary; and to that end the supervisor of the district in which said road is located shall notify such landholder or landholders to remove such fencing within thirty days after said notice in writing, in which notice shall be designated the line to which said fencing shall be removed. If such landholder or landholders shall fail or refuse to remove said fencing as required, then said supervisor shall order the overseer of such road to remove such fencing at the costs of such landholder or landholders, which costs shall be recoverable for the benefit of the road fund of such district, by motion before the circuit court after ten days' notice. But if said board of supervisors shall ascertain that the road as originally located was not of sufficient width, and in their opinion the public convenience requires the road to be widened, they shall proceed to have the same done as provided in sections eleven and twelve of this act.

§15. If the board of supervisors shall be of the opinion, after examining the report of the commissioners and other papers, and hearing such evidence as may be offered, that the road should be established, altered, or widened, as applied for according to said report, it shall enter an order on the minute book confirming said report, describing the road to be established, altered, or widened, and directing the work to be done. If the board refuse to open or alter said road, it shall dismiss the applica-

tion at the costs of the applicant, which said costs when collected shall be turned over to the road fund of the district in which the road proposed to be made or altered is situated.

§16. The report of the surveyor with the accompanying plat and the report of the commissioners on any road that is ordered to be established, altered, or widened, shall be recorded by the clerk of said board in a book kept for that purpose, and he shall be paid for recording said plat and reports at the same rates now paid for recording similar papers. But the applicant may appeal from the decision of said board in the manner now prescribed by the general road law.

2. In order to carry into effect the provisions of this act at the time set forth an emergency exists; it shall therefore go into effect from its passage.

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CHAP. 264.—An ACT to amend and re-enact an act approved February 23, 1898, as amended and re-enacted by an act approved May 20, 1903, provided for the working and keeping in repair the roads, and the building and keeping in repair the bridges in the county of Essex, and providing what tax shall be used for keeping the same in order.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the act entitled an act to provide for working and keeping in repair the roads and building and keeping in repair the bridges in the county of Essex, approved February twenty-third, eighteen hundred and ninety-eight, as amended and re-enacted by an act approved May twentieth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§1. The management and control of all roads and bridges in the county of Essex shall be placed under the direction of the board of supervisors of the said county, who are hereby constituted a road board for the purpose.

§2. The said board of supervisors shall make each year a general levy to cover the expenses of opening new roads, building and keeping in repair and purchasing whatever teams, wagons, machinery, and equipment they may deem necessary for use upon the roads in said county, which said levy shall be included in the general county levy, and in case the said board of supervisors decide to purchase teams, wagons, carts, machinery, or equipments as they in their discretion are hereby allowed to do from the general county levy, the said teams, wagons, carts, machinery, and equipments, when not in use on the roads, shall be kept at the poor-house farm, subject to such use and direction as the board of supervisors may agree upon and order.

§3. The said board of supervisors shall also annually make a special levy in each district as now provided by law for working and keeping in repair all roads in such district, which, in addition to whatever capitation tax may be levied for road purposes in the respective districts in the said county, shall be known as the district road fund, and placed in the hands of the supervisors of the respective districts as hereinafter provided.

§4. Each member of the board of supervisors shall have entire supervision of all roads in his district, and shall appoint a competent and capable man to act as superintendent of roads in his district, who shall at all times be under the direction and control of the supervisors appointing him.

§5. Such superintendent shall receive two dollars per day for the time actually employed, not to exceed one hundred and fifty dollars per year; be removable at any time at the pleasure of the superintendent appointing him, and for failure to perform faithfully the duties of his office, he shall be liable to presentment before the grand jury, and upon conviction be fined not less than two dollars and fifty cents, nor more than ten dollars for each such failure.

§6. The board of supervisors may authorize to be paid from time to time out of the respective district road funds such allowances as they may deem necessary for services in hiring, buying, or taking care of teams, keeping the road accounts or any other incidental expenses for road purposes, not to exceed twenty-five dollars per year in each district. All money now on hand, or to be raised for road purposes in the respective districts, as hereinabove provided in section three of this act, shall be used first in the payment of the per diem of the superintendents in the respective districts, and in the allowances hereinabove provided for services in hiring, buying, or taking care of teams, keeping the road accounts, or other incidental expenses in the respective districts, and the balance shall be expended in such district for labor or for hire of teams on the roads in such district, in the most economical and judicious manner, and an itemized account kept of all receipts and disbursements and the same published in the county paper once every year.

§7. The county treasurer is hereby required to deposit the respective district road funds now in hand, and all such funds coming into his hands in the future upon collection, rendering quarterly statements of the same to the supervisors of the respective districts in a bank to be designated by the judge of the circuit court of Essex county to the credit of the supervisor of the district from which the said fund shall have been obtained, in his official capacity as supervisor. And when the said district road fund shall have been so deposited, it shall be disbursed only upon check, signed by the said supervisor in his official capacity as such.

Upon the death, resignation, or other discontinuance in office, of the supervisor of any district, the bank, which shall have been designated as the depository for the district road funds, is hereby authorized and directed to transfer whatever funds may remain in the said bank to the credit of any such district supervisor at the time of his death, resignation, or other discontinuance in office, to the credit of his successor in office, upon satisfactory proof of his qualification as such successor.

§8. Each supervisor, before engaging in the duties imposed upon him under this act, shall enter into bond before the clerk of the circuit court of Essex county, in the sum of five hundred dollars for the proper distribution of funds coming into his hands.

2. The general road law shall be in force in Essex county in so far as it is not in conflict with this act.



3. An emergency existing on account of the urgent need of immediate work upon the said roads, this is declared an emergency act, and shall be in force from its passage.

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CHAP. 265.—An ACT to incorporate the town of Dendron, in the county of Surry, Virginia.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits set forth and described in the second section of this act be deemed and taken as the town of Dendron, and the inhabitants of the said town for all purposes for which towns are incorporated, in this Commonwealth, shall be a body politic, in fact and in name, under the denomination of the town of Dendron, and as such shall have and exercise and enjoy all the rights and privileges and powers, and be subject to all the duties and obligations incumbent upon and pertaining to said as a municipal corporation, subject to all the general laws of the State.

2. The boundaries of the said town shall be as follows: Beginning at a point on the Cobham road, where the division line between the lands of the Surry lumber company and the Holdsworth estate crosses said road; thence in a northerly direction along the Cobham road to the old road leading to Spratley's mill; thence along said mill road across the new road to a point one hundred yards from said new road; thence parallel to said new road, one hundred yards from it, to the Parker line; thence in straight line across the Parker land to the nearest corner of the Parker and the old Richardson tract; thence in a westerly direction along the old Richardson line to the branch running by Faisond old store; thence down said branch to the point where the line of the old Heffelfinger tract leaves said branch, near Faisond old store; thence along said Heffelfinger's line to Blackwater swamp; thence along said swamp to Cypress swamp to the boundary line between Holdsworth and the Surry lumber company; thence along said line to the point of beginning.

3. The government of the said town shall be vested in a mayor and six councilmen, who shall be residents and voters in the said town, to be chosen every two years by ballot, at an election held according to law, on the second Tuesday in June; the first election to be held in June, nineteen hundred and six, and to enter upon their duties the first day of September following their election; and until the regular election and qualification of the said officers as is hereinbefore provided for, the following shall be the officers of the said town: Arthur Rogers, mayor; and J. E. Rogers, R. H. Faison, J. A. Derring, A. S. Higgins, T. D. Parker, and J. D. Hart, councilmen.

The council shall appoint a clerk and a sergeant, whose terms of office shall be two years, and to expire with the terms of the council electing them, or until their successors are elected and qualified.

4. The said town and its officers shall have all the powers and privileges and be subject to all the restrictions provided by the general laws

of this Commonwealth for the government of towns and the powers of officers of towns.

5. The said town council shall have power to adopt any and all ordinances and to enforce the same as they may deem necessary for the regulation and improvement of said town, subject, however, to general laws of the State.

6. The authorities shall have the use of the county jail of Surry county until the said town shall have built one of their own, for the safe-keeping of all persons who shall be sentenced under the ordinances of the town.

7. To improve the sanitary conditions and secure police protection at once, an emergency exists, and it is ordered that this bill shall be in force from its passage.

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CHAP. 266.—An ACT to provide measures to protect the battle flags which have recently been returned to the State of Virginia by the United States of America, to appoint a commission of five (5) persons to carry out the provisions of this act, and to make an appropriation to defray the necessary expenses incurred under this act.

Approved March 15, 1906.

Whereas under the commendable influence of an altruistic influence the United States of America have restored to the State of Virginia certain battle flags around which Virginia's noble boys in eighteen hundred and sixty-one to eighteen hundred and sixty-five rallied in response to the call of their mother State; and

Whereas these banners (some (62) sixty-two in number) are now stored, boxed up, at the Confederate museum, and it becomes our duty to make provision to keep and preserve them, and to so arrange that they may be displayed to the thousands of our citizens who now and will in after years wish to see them—all of whom can but view them with patriotic pride; therefore,

1. Be it enacted by the general assembly of Virginia, That a commission be hereby appointed, consisting of the governor of Virginia, the lieutenant-governor of Virginia, the adjutant-general of Virginia, the speaker of the house of delegates, and the inspector-general of the grand camp of Confederate veterans of Virginia, who are hereby authorized and empowered to carry into effect the provisions of this act.

2. In order to protect and preserve the said flags a case, or cases, of wood and glass be purchased (by the said commission), in which the flags shall be so placed that they be visible to visiting spectators who may desire to see these interesting relics of strenuous years.

3. That the case or cases of flags shall be placed in the rotunda of the capital, if in the judgment of the commission it appears best so to do.

4. The sum of (\$500.00) five hundred dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, or so much thereof as may be necessary, to be paid out on the order of the said commission by warrant on the State treasury.

This bill being an emergency act, it goes into effect on its passage.

CHAP. 267.—An ACT to provide for working and keeping in repair the public roads and bridges of Botetourt county, and to repeal an act entitled "an act to provide for the working and keeping in repair the public roads of Botetourt county," approved March 4, 1896, and an act amendatory thereof, approved February 14, 1901.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That on and after the first day of September, nineteen hundred and six, the public roads and bridges in Botetourt county shall be repaired and kept in order as follows: The board of supervisors of said county shall, at their regular meeting in July, nineteen hundred and six, and every two years thereafter, appoint six commissioners of roads, two for each magisterial district of said county, who shall hold office for the term of two years beginning on the first day of September next succeeding their appointment. Said commissioners, subject to the supervision of the board of supervisors, shall have control of all public roads and bridges within their respective districts, and the keeping of the same in order. Any vacancy occurring in the office of commissioner shall be filled by the board for the unexpired term.

2. Each of said commissioners, before entering upon the discharge of his duties, shall qualify before the circuit court of said county, or the clerk thereof in vacation, by giving bond, with approved security, in the penalty of five hundred dollars, conditioned for the faithful performance of his duties, and by taking the oath of office prescribed by law, which shall be recorded by the clerk of said court as the qualification and bonds of other county officers are recorded.

3. Immediately upon the appointment of commissioners under this act the said board of supervisors shall divide each magisterial district of the county into two subdistricts, and assign one of the commissioners to each subdivision. The said commissioners, together with the board of supervisors, shall carefully examine all the public roads of the county, but in making said examination it shall not be necessary that more than two commissioners and one member of the board of supervisors shall go together: provided, that the commissioner of each subdistrict shall examine the roads in his own district with one commissioner from another district. They shall take notes of the public roads in the county and of their character and condition and report the same to the board of supervisors. Upon such report the board shall proceed to divide all the roads in the county into three classes. The first class shall consist of such roads as are generally and frequently used by the public, and shall be called highways; the second class shall include all roads for neighborhood purposes, and roads leading into the public highways, and shall be called county roads; the third class shall be such as are used by a few individuals, and have been opened for the use and benefit of said individuals, or for their farms, and shall be called local or private roads: provided, that the road sections shall remain as now laid out and numbered until changed by the board of supervisors, and the said board shall have power and authority, and it shall be their duty to make such changes therein as

they may think proper. The first class, or highways, and the second class, or county roads, shall be repaired and kept in order by contract or by hired labor, as hereinafter provided; the third class, or local or private roads, shall be kept up by the parties benefited by said roads as they may see fit, with such appropriations, if any, as may be from time to time, made to them by the board of supervisors, such appropriations to be expended by or under the supervision and inspection of the commissioner in whose subdistrict the road is located.

4. The said commissioners shall, under the direction and supervision of the board of supervisors, take charge of and provide for keeping in repair all first and second class roads of the county, and if directed by the board of supervisors shall let the same, or such sections thereof as the board may direct, to contract for such term as the board may prescribe: provided, such term shall not be less than one nor more than five years, having first advertised for sealed bids by posting notices of the said letting at some public place on or near the section to be let, as well as at each post-office in his district, for at least ten days prior to the time of letting. The bids shall be in writing, signed by the bidder, and shall be delivered under seal to the board of supervisors for their examination and acceptance or rejection at their first meeting thereafter. The board of supervisors shall have power to accept such bid as in their judgment is best for the interests of the county, or to reject any or all bids. The specifications of work to be done upon each section and the condition in which the same is to be kept, shall be such as may be prescribed by the commissioners and supervisors who have examined the same, and shall be written out and copies thereof posted with the notices for bids hereinbefore provided for.

5. If any bid be accepted by the board, the commissioner, in whose subdistrict the section is, shall enter into a contract with the person or persons whose bid is accepted, which contract shall be in accordance with the terms of letting and shall be executed in duplicate and accompanied with copies of the specifications aforesaid, one copy of which shall be delivered to the contractor and the other retained by the commissioner for the county. The contractor shall execute a bond, in such form as the board of supervisors may prescribe, payable to the county in a penalty at least double the contract price per year, conditioned for the faithful performance of his contract, and with security to be approved by the board. A recovery may be had on said bond in the name of the county, for the benefit of the road fund, before a justice of the peace where the amount in controversy does not exceed one hundred dollars, or by motion in the circuit court of the county, irrespective of the amount in controversy, after ten days' notice to the contractor and his sureties.

6. It shall be the duty of the commissioners to give personal supervision to all the roads and bridges within their respective subdistricts which are let to contract, and to see that the contractor is faithfully performing his contract. If at any time any contractor fails so to carry out his contract, then the commissioner of that district shall, after reasonable notice to the contractor to repair his said road or bridge according to the terms and provisions of his contract, if the said contractor still fails to

carry out his contract, the commissioner shall at once employ hands and put the said road or bridge in the repair specified in said contract. The commissioner shall keep an accurate itemized account of the work done under this section on each contract or section of road, and present the same to the board of supervisors at the next meeting at which contractors are paid off; and, if found to be correct, said board shall give their warrant upon the treasurer for the amount thereof. The said board shall also deduct the amount of said account for work done under this section from any money that may be due at the time of said meeting to the contractor on whose road the work was done on any contract he may have with the county, or may enforce payment thereof by proceeding upon the bond of the contractor against him and his sureties thereon.

7. The contractors shall be paid for work done under their contracts semi-annually or oftener as the board of supervisors may prescribe. Before the time fixed for each payment, the commissioner shall examine each section let to contract, and shall report to the board whether such contractor has performed his duty according to law in conformity with his contract, with a statement showing the amount, if anything, that the contractor is entitled to receive under his contract for his services. If the board sees no objection to the report, unless objected to by at least three taxpayers living on or contiguous to the section under contract, the board shall draw a warrant in favor of the contractor for the amount so shown to be due him. If for any reason the board thinks the same ought not to be paid, or if the report is objected to, as above provided, the board shall have power to withhold payment of said amount and to summon before it the said contractor and the commissioner making the report, together with such witnesses as it may deem necessary, and as the contractor may require, and on a hearing of the matter make such order as it may seem right and proper, both as to the subject matter of the controversy and the cost of the proceedings; from which decision and order an appeal shall lie of right to the circuit court of the county if the amount in controversy exceeds twenty dollars.

8. If any road or section remains unlet, by reason of there being no bids, or for any other reason, or if the board of supervisors deem it unwise to let any or all of the said roads to contract, the commissioner, in whose subdistrict the road or section is, shall take charge of the said road, or section, or roads, as the case may be, and put and keep it or them in repair, and to this end may employ teams, hands, etcetera, paying for same the customary price for labor in that portion of the county and agreed upon by the board: provided, that the board of supervisors may, having regard to the amount of travel on each section, as well as to the conformation thereof, prescribe a limit to the expenditures thereon, which shall not be exceeded by the said commissioner except by authority of the board.

9. If the board of supervisors shall so elect that they may take charge of any portion of the highways, as classified by them, and improve and work the same with the chain-gang of the county, where one is established; or the board may in its discretion appoint an overseer of such portions of a highway as they may select, and have the same worked and

kept in repair or improved by hired hands and teams, or in such other ways as they see fit, and pay the same upon the itemized report and account of the overseer, duly verified.

10. The road commissioner of each subdivision may appoint overseers for first and second class roads, not let to contract, if they think it advisable. The said overseer shall reside on or near the road for which he may be appointed, shall be notified of the amount of money he may expend on said road by the commissioner appointing him, who shall embody the same in his report to the board of supervisors. The duty of the overseers of roads shall be to see that the roads over which they are overseers are kept in good repair; that the bridges and crossings for foot passengers are in safe condition; that all dead trees near the road, or dead limbs overhanging the same are cut down or off; that neat sign-boards are kept at all forks and crossing of public roads plainly indicating the most noted place to which the road leads, and the distance thereto. He shall perform such other duties as are required by law, or prescribed by the commissioner appointing him, or by the board of supervisors.

11. The board of supervisors shall have the power to summon the commissioners, overseers, and such other witnesses as they may desire before them and examine them upon the several reports and accounts before the said board; and if, upon hearing, the board of supervisors do not approve the said reports and accounts they shall correct the same, which correction shall stand and their decision shall be final, of which proceedings the clerk of the board of supervisors shall keep a fair record. If any commissioner shall be found in default, or guilty of any wrong doing in office at any time, the board shall forthwith remove him, and if guilty of any default shall report the same to the attorney for the Commonwealth for the said county, who shall proceed against such commissioner and the sureties of his official bond, by motion in the circuit court, for the amount for which he is reported to be in default.

12. The commissioners, under the general supervision and direction of the board of supervisors, shall have charge of all the roads in their respective subdistricts. The overseers of roads shall be under their authority and subject to their orders, and the commissioners shall have authority to direct what work shall be done by the overseers, how the public roads shall be repaired, and on what parts of the road, and how labor shall be employed or money expended. It shall be the duty of the commissioners to see that all the roads in their respective subdistricts are of proper width and free from obstructions, and in all cases where they are not to make report to the board of supervisors, who may direct the commissioner to remove the fences or other obstructions, and recover the expenses thereof, with costs, from the trespasser upon a judgment of a justice of the peace, or of the circuit court where the amount of such expenses exceeds one hundred dollars. The commissioners shall examine all the highways and county roads in their respective districts at least twice each year, during such months as the board of supervisors may prescribe; and also whenever requested by not less than three taxpayers living on any section, he shall view the section complained of and see

that the roads and bridges are kept in good repair by the contractors and overseers.

13. Whenever a new road is opened, or a change made in a road now established, and in the opinion of the board of supervisors the new road or the proposed change can be made by the commissioner in whose sub-district it is, they may direct the same to be done, or they may let the same to contract, as they deem best. Whenever any new road is established and constructed in the said county, the board of supervisors shall direct to what class such new road shall be assigned; and in case of a highway or county road may let it to contract as hereinbefore provided, or have it worked or kept in repair by the commissioner, as it deems best.

14. The commissioners may order any changes in a road in their respective subdistricts, which may be agreed to by the board, which does not involve the condemnation of lands or payments of damages, as where the landowners consent.

15. The board may furnish all necessary tools, implements, and other things necessary to work the roads under this law, and may for this purpose purchase and hold wagons, horses, mules, or oxen, or any machinery used for making and working roads. The commissioners shall collect together all tools, and soforth, belonging to the county now in the hands of the road commissioners of the county, and shall use them, as well as any others furnished by the county, for working the said roads, and may hire or rent them to road contractors, if authorized so to do by the board of supervisors, all rents received therefor to be paid into the road fund of the county.

16. The treasurer of the county shall furnish the said board, at its meetings, a statement of the amount on hand to the credit of the road fund, and no money shall be paid out of said road fund except upon the warrants of the board of supervisors, and the said board shall not draw warrants for a greater amount than is in the treasurer's hands when the warrants are drawn.

17. At their annual meeting in July the board shall determine what amount in their judgment will be necessary to open new roads, and to keep in repair the highways, county roads, and bridges for the ensuing year: provided, however, that when the cost of altering or changing a road or opening a new road, will be in their judgment too burdensome to be paid in one year, they may in their discretion, provide for the same in not exceeding three annual installments. The said board shall levy a road tax to meet the same, not exceeding twenty-five cents on the one hundred dollars' worth of property, both real and personal, in said county, on which county taxes are levied, including railroads, telephone and telegraph companies, and all capital invested, used, or employed in the mercantile, to be collected as other county levies are collected. In addition thereto the said board may, if it is deemed wise, provide out of the general levy for the building and keeping in repair any or all bridges over ten feet long in said county. The said board shall have power to divide the road funds collected in said county amongst the three magisterial districts of the county in such manner as they deem best, and as the needs of the several districts may from time to time require.

18. The commissioners shall receive as compensation for their services hereunder two dollars per diem for time actually employed in discharge of their duties: provided, that in no case shall the said per diem amount be more in any one year than one hundred dollars: and provided, further, that in addition thereto they shall be paid one dollar and fifty cents for each day they may be employed superintending work on their respective roads. The said commissioners shall make at each meeting of the board an itemized statement, under oath, showing the number of days they were engaged at two dollars per day, and the number of days they were engaged at one dollar and fifty cents per day, and where they were engaged and what work they were superintending.

19. No member of the board of supervisors or commissioners shall be directly or indirectly interested in any contract made under this act, and any participation therein shall render the contract null and void.

20. The board of supervisors shall fix the compensation that is to be paid to overseers appointed under this act for their services. The board of supervisors shall have power to cause process to issue and compel the attendance of witnesses and other parties. The clerk of the board of supervisors shall receive for the duties to be performed by him under the provisions of this act, compensation to be fixed and allowed to him by the said board, not to exceed seventy-five dollars per annum, the same to be paid out of the road fund for the county. For the additional services required of them under this act, the supervisors shall receive the usual per diem and mileage allowed for the regular duties of their office, but in no case shall any supervisor receive more than fifty dollars for services connected with roads and bridges during any one year.

21. The general road law of the State, except so far as the same is in conflict with the provisions of this act, shall be enforced in Botetourt county.

22. The act of the general assembly, entitled "an act to provide for the working and keeping in repair the public roads of Botetourt county," approved March fourth, eighteen hundred and ninety-six, and the act amendatory thereof, approved February fourteenth, nineteen hundred and one, and all acts and parts of acts in conflict herewith are hereby repealed: provided, however, that the present road commissioners in Botetourt county shall continue to discharge the duties of their respective offices until September first, nineteen hundred and six, and that nothing herein contained shall be construed as interfering with or in any wise affecting any contract heretofore entered in for the keeping in repair of the roads of said county, but such contracts shall continue in force until their expiration and the rights and remedies of the parties thereto shall be determined by the law in force at the time said contracts were made: provided, further, that the duties now required of the road commissioners of said county by virtue of the contracts aforesaid, shall, after September first, nineteen hundred and six, be discharged by the commissioners in whose subdistrict any section now let to contract is.

23. This act shall be in force on and after the first day of July, nineteen hundred and six.



CHAP. 268.—An ACT authorizing the school board of Nelson magisterial district, in York county, to borrow money, and use same in building and equipping a new school-house in Yorktown.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of Nelson magisterial district of York county be, and the same is hereby, authorized and empowered to borrow money to an amount not exceeding two thousand dollars, and to issue bonds therefor; such bonds shall be payable not less than five nor more than ten years after their date, and shall bear interest at a rate not to exceed six per centum per annum, and said bonds shall be issued in denominations of one hundred dollars each. The proceeds of the sale of such bonds as may be issued under this act, or so much as may be necessary, shall be used for the building and equipping of a new school-house in Yorktown and other places in the magisterial district of York county, and for providing furniture and apparatus therefor: provided, that the purchaser or purchasers of any bonds issued under this act shall not be liable for the application of moneys arising from the sale of said bonds: and provided, further, that such bonds shall not be sold below par.

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CHAP. 269.—An ACT to repeal chapter 544 of the acts of the general assembly of Virginia, 1902-'03-'04, approved December 31, 1903, entitled "an act to authorize Brookland school district of Henrico county to borrow ten thousand dollars and issue bonds therefor, to be used for the erection of a school-house at Barton Heights."

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the act, chapter five hundred and forty-four of the acts of the general assembly of Virginia, nineteen hundred and two, three, and four, approved December thirty-one, nineteen hundred and three, entitled "an act to authorize Brookland school district, of Henrico county, to borrow ten thousand dollars, and issue bonds therefor, to be used for the erection of a school-house at Barton Heights," be, and the same is hereby, repealed.

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CHAP. 270.—An ACT to repeal an act entitled "an act to provide for the working and repairing of the public roads and bridges of Isle of Wight county," approved March 5, 1894, as amended by an act entitled "an act to amend and re-enact section 9 of an act entitled an act to provide for working and repairing the public roads and bridges of Isle of Wight county," approved February 9, 1900.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to provide for the working and repairing of the public roads and bridges of Isle of Wight county, approved March fifth, eigh-

teen hundred and ninety-four, as amended by an act entitled an act to provide for working and repairing the public roads and bridges of Isle of Wight county, approved February ninth, nineteen hundred, be, and the same is hereby, repealed.

2. A necessity existing for this bill to become a law prior to the date prescribed in the Constitution, an emergency is declared to exist, and this act shall take effect and be in force from its passage.

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CHAP. 271.—An ACT to repeal an act approved February 27, 1904, incorporating the town of Cedar Bluff, in Tazewell county, Virginia.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to incorporate the town of Cedar Bluff, in Tazewell county, approved February twenty-seven, nineteen hundred and four, be, and the same is hereby, repealed.

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CHAP. 272.—An ACT to amend and re-enact an act entitled "an act to amend and re-enact an act approved March 7, 1900, entitled an act to provide for working and keeping in repair the public roads and bridges in the county of Washington, and to authorize the board of supervisors to borrow money by the issue of bonds, and to build bridges and macadamize the roads in said county, and to authorize the qualified voters of said county to vote on the question, approved April 2, 1902, as amended and re-enacted by an act approved May 15, 1903.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact an act approved March seventh, nineteen hundred, entitled an act to provide for working and keeping in repair the public roads and bridges of the county of Washington, and to authorize the board of supervisors to borrow money by the issue of bonds, and to build bridges and macadamize the roads in said county, and to authorize the qualified voters of said county to vote on the question, approved April second, nineteen hundred and two, and amended by an act approved May fifteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§1. Prior to the first day of January, nineteen hundred and seven, and every two years thereafter, the judge of the circuit court for the said county shall appoint for each magisterial district of said county one road commissioner, who shall serve for a term of two years, beginning on the first day of January following his appointment, whose duty it shall be to superintend the working and keeping in repair of all public roads and bridges in their respective districts.

§2. For the purpose of raising revenue for working and keeping in repair the public roads and bridges of said county the board of super-

visors shall annually levy, along with the county levy, a tax upon all property, real and personal, assessed for taxation in the several magisterial districts of the county, which shall be applied to working and keeping in repair the public roads and bridges in said districts, and the compensation of the engineer and others provided for under the provisions of this act. Such tax shall not be more than fifty cents on every hundred dollars' valuation of such property. The said levy and other levies under this act shall be collected by the treasurer of said county as other county levies, accounted for and paid out on the warrant of said road commission, except that a levy for each magisterial district shall be kept separate by the county treasurer. Each commissioner may draw on his own warrant only the funds of his magisterial district as hereinafter provided. The amount collected in each magisterial district shall be expended in the district in which it has been collected, excepting that the tax derived from the State levy for road purposes shall be divided equally between the districts.

§3. The board of supervisors shall appoint a competent engineer, who shall be known as the "road engineer," whose duty it shall be to superintend all roads in said county; and any application for a new road, or change in grade or location of an old road shall be made to the board of supervisors, and if considered of public necessity, they shall order the said engineer to locate or relocate, as the case may be, the said road, and the said engineer, after having notice served upon the landowners through whose property the proposed road may run, or upon their tenants in possession, shall proceed to execute said order, and if said engineer cannot agree with said landowners as to the amount of damages to be paid said landowners or any of them, he shall designate and appoint three disinterested resident freeholders, whose duty it shall be to promptly ascertain and report to said engineer a just compensation for the land to be used for such road, and the said engineer shall make his report at the next meeting of said board, showing the probable cost of construction, the damages allowed, and anything else pertinent that may be required by the said board: provided, however, that no new road shall be located at a steeper grade than three and one-half degrees, and no road already established shall receive any of the public money after one year from the passage of this act, unless it shall be regraded so as to conform to the same degree, unless the engineer shall certify that it is impracticable to get the degree required by this act: provided, further, the degree shall not be changed on the road known as the Abingdon and Russell turnpike road. The board of supervisors may alter, reject, or confirm the report of the engineer. And if the landowners through whose lands the road is proposed to be located or relocated, as the case may be, cannot agree with the engineer as to the amount of damages, or any other matters affecting their interest, then any landowners who may feel aggrieved by the said report of the road engineer may make exceptions thereto before said board, and if any landowners feel aggrieved by the acts of the said board, he may have said board report with the alterations, if any, returned by the board of supervisors to the next term of the circuit court of said county, where he may make exceptions thereto, and the said circuit

court shall consider said report as if it were the report of the receivers contemplated in section nineteen hundred and forty-nine of the Code of Virginia of eighteen hundred and eighty-seven, except that no further notice to said land owners, or their tenants, in possession, shall be required; and all subsequent proceedings therein shall be under the general provisions of chapter forty-three of said Code, except that when any road shall be ordered to be opened, made or altered, located, or relocated, the same shall be done by and under the supervision of the county road engineer, as herein provided: provided, further, that the judge of the circuit court shall, if he deems the said report of the engineer insufficient in any particular, recommit the said report to the said engineer for a more full and explicit report, and under proceedings under this act in said court shall have precedence over all other civil cases on the said docket, except unlawful detainer cases on said docket.

§4. A road engineer shall hold his office for the term of his appointment, unless sooner removed by said board. The said engineer shall receive such compensation for his services as said board shall allow.

The engineer shall make annual reports to the board of supervisors, or oftener as said board may direct of the condition of the roads, new bridges in each magisterial district in said county, the progress of any new work, the amount of money required to complete said work, any change or changes necessary in any roads or bridges in the several magisterial districts in the county, the probable cost of the same, and anything else deemed pertinent by said board.

§5. Each commissioner shall have charge of the roads of his district, and shall have power to appoint a sufficient number of foreman to take charge of the hands in his district; said foreman shall be able to read and write, and shall make reports from time to time to the road commissioner as he may direct. In case of a road or bridge being on the line dividing two magisterial districts, the road engineer and the commissioners of the adjoining districts shall divide the road between each district in such a way as will equally divide the expense of repairing said road.

§6. If a bridge is to be built or repaired on the line, each district shall bear one-half of the expense of building or repairing said bridge. Each commissioner shall receive for his services, to be paid out of the road fund of his district, one dollar and fifty cents per day for each day actually employed in looking after the roads in his district: provided, he shall not receive more than one hundred and fifty dollars for the same in any one year. The foreman appointed under this act shall receive not less than one dollar nor more than two dollars per day for the time actually employed on the roads, and all hands shall receive the usual price paid for similar work in said county. The commissioner of each district shall buy and keep in repair all the necessary tools for working or keeping in repair said roads in his district. In the event that expensive machinery is wanted, he may combine with any or all other commissioners of the county in purchasing same. In case any foreman fails to keep his road in order, on the complaint of any three tax payers of his district, he may be fined not more than twenty dollars, if it can be shown that he has funds at his command for repairing said road. Said fine

shall be recoverable before any justice of the peace in said county. If any commissioner shall fail or refuse to keep the roads in his district in repair (after being notified by the road board to do so) and it can be shown that he has money at his command, he may be fined not more than fifty dollars for each offense, said fine to be recoverable before the circuit court of the county, and it is hereby made the duty of the prosecuting attorney to prosecute said commissioner for said failure.

§7. For the purpose of constructing and macadamizing roads and building new bridges in said county, the board of supervisors be, and they are hereby, empowered to issue bonds in the name and on behalf of the county of Washington, to be called "public improvement bonds," for a sum not exceeding two hundred thousand dollars, and to sell the bonds under such conditions as are hereinafter prescribed, and with the proceeds of such sale to build roads or bridges in the various districts of said county, expending in each district such proportion as said board may deem advisable: provided, that the board of supervisors shall not issue any bonds or other evidences of debt provided for in this act in excess of one hundred thousand dollars until it has ordered a special election for that purpose, and submitted the question of issuing said bonds to the qualified voters of Washington county. They shall fix the time for holding such election, and cause notice thereof to be published, at least four times in any newspaper published in the county, and to be posted at each voting place in the county at least one month before said election. Said election notices shall state the purpose for which said election is held.

§8. The bonds issued in pursuance of this act shall be coupon bonds of not less denomination than one hundred nor more than one thousand dollars each, payable in not more than forty years from their date, and bearing interest, payable annually, at a rate not exceeding six per centum per annum; the said board having the right to redeem any of said bonds after the expiration of ten years. The said bonds shall be issued in the name of Washington county, Virginia, shall be signed by the chairman of the board of supervisors of said county, attested by the clerk, and shall have affixed thereto the seal of said board.

§9. Any person, other than a duly authorized officer, changing the line of any public road, on either side thereof as the lines were when said road was located or relocated, as the case may be, without the permission, entered of record, of the circuit court of the county in which the road lies, shall be deemed guilty of a misdemeanor, and, on conviction thereof shall be fined not less than five nor more than fifty dollars. It shall be the duty of the supervisor of the district to give notice in writing to all persons making, or who have made, such encroachments on any public road in his district by changing the lines or the direction thereof, without permission of the court aforesaid, to remove any fence or obstruction, whether made before or after the passage of this act, and to restore the original line or lines of the said road, and on failure to do so within twenty days after said notice, then the person so offending shall be liable to a fine of five dollars for each day said fence or other obstruction remains in said road after the expiration of the twenty days aforesaid.

§10. The said board of supervisors is hereby empowered to make sale

of said bonds, but no bonds shall be sold for less than the par value thereof, and the said bonds and coupons and interest thereon shall be redeemable in lawful money at maturity, and shall be receivable at maturity for all taxes and other debts due the said county of Washington, except school levies.

§11. The form of said bonds and coupons shall be determined by the board of supervisors.

§12. The said bonds and coupons issued under this act shall be redeemable at the office of the treasurer of Washington county, and when paid by him, or received from taxes or other debts, shall be marked paid or cancelled.

§13. The said board of supervisors shall create a sinking fund to be applied to the redemption and payment of the bonds issued for the building and improvement of roads in any or all districts of said county, and shall annually, until such bonds are paid, pay over to the sinking fund commissioners provided for in this act a sum sufficient to pay off said bonds in forty years.

§14. Three substantial citizens and taxpayers of Washington county, to be designated by the board of supervisors, are hereby appointed a board of sinking fund commissioners, who shall give bond to said board, to be approved by them, in double the amount of money likely to come into their hands, for the faithful performance of their duty; and it shall be the duty of said commissioners to receive said sinking fund and loan or invest the same in road bonds of the county, keeping a separate account of the funds received from and disbursed for each district; they shall receive for their services one per centum of all money so received and loaned or paid out. Should either of said sinking fund commissioners fail or refuse to qualify, or after qualifying resign or die, then said vacancy shall be filled by the board of supervisors.

§15. It shall be the duty of the officers charged with conducting elections in Washington county to hold an election when so directed by the judge of the circuit court of said county, which judge shall, upon the passage of a resolution by the board of supervisors requesting him so to do, order an election in accordance with the provisions of this act, for the purpose of taking the sense of the qualified voters of said county upon the question of issuing the bonds authorized by this act. Said election shall be by ballot, and be conducted as other elections are conducted. Upon each ballot shall be printed the words "for bonds" and "against bonds"; each voter shall be handed a ballot at the voting place, and he shall express his choice by scratching from the ballot the words "for bonds," if he desires to vote against the issue; "against bonds," if he desires to vote for the issue.

§16. The judges of each election precinct shall ascertain the will of the people by counting the ballots, and shall certify the result to the judge of the circuit court in the manner and form of other elections.

§17. The commissioners of election shall canvass the returns within ten days after the election, and declare the result.

§18. The bonds provided for in section seven of this act shall be issued, if a majority of those voting at such election shall vote for the issuance.

of the same: provided, a majority of the legalized voters of said county vote at such election. But should a majority of the ballots be cast against said issue, then the question shall not within twelve months be again submitted to the vote of the people.

§19. It shall be lawful for the board of supervisors to build bridges wherever the public necessity may demand. Upon the recommendation of the supervisor of a district when he shall decide to build a bridge in his own district, the board of supervisors may, by and with the advice of the county engineer, locate said bridge, and require said engineer to make a report to them, giving plans and specifications and the probable cost of such bridges; and said board may lay a local levy on said district or districts to pay for building said bridge, and the district in which any bridge is built shall bear the whole expense of such bridge, or if built between two districts, they shall each bear one-half of the said expense, and the board of supervisors may issue a certificate for the whole amount of said expense, payable in one, two, three, four, and five years, bearing interest at the rate of six per centum per annum, and the said certificates shall state upon their face for what bridge they are issued, and out of what district levy they shall be paid, and the terms of their payment.

§20. The said board is hereby empowered, without submitting the question of a bond issue to the voters of said county or any district therein, to issue bonds of said county for such amount as they deem necessary not in excess of one hundred thousand dollars for the purpose of constructing, macadamizing, or improving the roads of said county, or any district or districts therein: provided, that from the money obtained under the provisions of this section not more than twenty-five thousand dollars shall be expended in any one district of said county. Said board may levy a tax in such district or districts wherein said improvements are made in addition to the regular county levy for an amount sufficient to pay the interest on and provide a sinking fund for the amount or amounts so expended in said district or districts: provided, said tax shall not be more than fifty cents on every hundred dollars' valuation of property, real and personal, in said district or districts.

§21. It shall be the duty of the judge of the circuit court of said county, before authorizing an election on the question of a bond issue, and before any bonds are issued by the board of supervisors under section nineteen of this act, to appoint two resident freeholders in each magisterial district wherein said improvements are contemplated, who, together with the supervisor from that district, shall be known as the "district road commission," any two of whom shall constitute a quorum, of which the commissioner from that district shall be ex-officio chairman. It shall be the duty of said district road commission to determine upon a recommendation to the board of supervisors what improvements are most needed in its district, and to see that the money set apart for improvements in that district is properly and judiciously expended, to the end that the public interest may be fully protected. Said district road commission shall report annually, or oftener, if required, to the supervisors showing an itemized account of the expenditures of said fund. All moneys realized from the sale of said bonds issued under the provisions of

this act shall be received by the treasurer of said county and shall be drawn out of his hands for improvements in the various districts on warrants ordered to be issued by the board of supervisors, upon the recommendation of the district road commission of said respective districts; said warrants to be signed by the chairman of the board, and countersigned by the chairman of the district road commission of the district wherein said improvements are made.

§22. The said road commissioners shall cause to be kept an itemized account of all work done and money expended in road improvements, with the funds issued under this act, which shall be recorded by the clerk of the board of supervisors in a book to be kept for the purpose and published in the manner provided by law for the publication of other expenditures.

§23. Before entering upon the duties of his office each road commissioner shall execute before the clerk of the circuit court bond in the penalty of five hundred dollars for the faithful performance of his duty as such commissioner, with good and approved security.

§24. The board of supervisors shall devise a system of bookkeeping in order to carry out the intention of this act and require by order the clerk of said board to keep said books as directed, and they shall prescribe the method by which the treasurer shall keep his books with reference to the county and district levy and the collection of the county and district road tax, and require said treasurer to follow out the plans, and if the treasurer or clerk of said board of supervisors shall fail or refuse so to carry out the order of the board of supervisors, they shall be fined for each offense not less than twenty-five dollars nor more than fifty dollars, said fine to be recoverable by motion after reasonable notice in the circuit court of said county.

§25. It is further provided that the road commissioners may let to contract, if they think proper, the building of any bridges across any stream, or the macadamizing or keeping in repair of the roads provided for in this act, to the lowest responsible bidder, and have the power to reject any or all bids.

§26. Specifications for said work shall be drawn by the said engineer and the work carried on under his supervision: provided, that no commissioner, road engineer, or foreman shall be personally interested, either directly or indirectly, in any contract for the building of any bridges or the altering of any road.

§27. This act shall be liberally construed to the end that its purposes may be fully carried out.

§28. All acts or parts of acts in conflict with this act are hereby repealed.



CHAP. 273.—An ACT to authorize the board of supervisors of Essex county to levy an additional capitation tax of fifty cents per annum upon certain residents within its limits.

Approved March 25, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Essex are hereby authorized to levy an additional capitation tax not to exceed fifty cents per annum, upon every male resident of the county of Essex, not less than twenty-one years of age, except those pensioned by this State for military services, which shall be applied in aid of the public schools of the said county, or for such other county purposes as they may determine.

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CHAP. 274.—An ACT to repeal an act entitled "an act to provide for working and keeping in repair the roads and bridges in Craig county," approved January 8, 1898.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to provide for working and keeping in repair the roads and bridges of Craig county," approved January the eighth, eighteen hundred and ninety-eight, be, and the same is hereby, repealed.

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CHAP. 275.—An ACT to amend and re-enact section 90 of an act approved February 28, 1896, entitled "an act to provide a new charter for the city of Roanoke," in relation to justices of the peace in said city, as amended by an act approved March 6, 1900, entitled "an act to amend and re-enact section 90 of an act approved February 28, 1896, entitled an act to provide a new charter for the city of Roanoke, in relation to justices of the peace in said city.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section ninety of an act approved February twenty-eighth, eighteen hundred and ninety-six, entitled "an act to provide a new charter for the city of Roanoke," in relation to justices of the peace in said city, as amended by an act approved March sixth, nineteen hundred, be amended and re-enacted so as to read as follows:

§90. The city of Roanoke shall be divided into two magisterial districts. Kimball and Mellrose wards shall constitute district number one. and Jefferson and Highland wards shall constitute district number two. There shall be one justice of the peace for each district of said city, who shall be residents of their respective districts, and who shall be elected by the qualified voters of the city at large, and shall hold office for the term of two years and until their successors be elected and qualified. unless sooner removed from office. The said justices of the peace shall be conservators of the peace within the limits of the corporation of Roan-

oke, and one mile beyond, and shall have the same powers and duties within the said limits, and receive for their services such compensation as is prescribed by law in respect to justices of the peace now in the city of Roanoke, except that said justices shall not have power to try civil cases, nor any of the powers granted to the police justice of said city, or to the trial justice herein named, nor shall they have the right to issue any garnishment process or executions except in cases of unlawful detainer, and further, whenever said justices shall issue any civil warrant they shall collect the sum of fifty cents at the time said warrant is issued. The justice issuing said warrant shall retain out of the sum so collected the sum of twenty-five cents as his compensation for the issue thereof; and he shall turn into the city treasurer's hands the sum of twenty-five cents for each warrant so issued.

Such money shall be deposited on Monday of each week, with a list of the warrants issued by him. The treasurer shall take such deposits and hold the same, and on the first day of each month he shall turn over the same so deposited to the trial justice, taking his receipt therefor.

The treasurer shall report annually to the council the amount of money he has received and turned over to the trial justice, and said treasurer shall not receive any additional compensation for the services herein provided for.

There shall be elected by the qualified voters of the city of Roanoke one justice of the peace, who shall be known as the trial justice, and who shall hold his office for the term of two years, and until his successor be elected and qualified, unless sooner removed from office. He shall reside in the city of Roanoke: provided, further, that the council for said city may, by proper ordinances, consolidate the offices of police justice and trial justice. In the event of such consolidation the appointment of a suitable person to fill said office shall be vested in the city council: and provided, further, that such officer shall receive as compensation for his services a salary of not less than nine hundred dollars per annum, to be paid out of the city treasury, and no other compensation, and that all fees which under this act would be payable to the trial justice shall be paid into the city treasury for the use of the city of Roanoke.

The said trial justice shall be a conservator of the peace within the limits of the corporation of Roanoke, and one mile beyond, and shall have the same powers and duties within said limits, and receive for his services such compensation as is now prescribed by law for justices of the peace in the city of Roanoke, except that such trial justice shall not have the power to issue any warrants in detinue, unlawful detainer attachments, distress warrants, and warrants for small claims. All warrants and processes issued by other justices, except the police justice of said city, shall be returnable before said trial justice, nor shall he issue any writ instituting any civil action, and except that for the trial of all civil cases he shall receive the sum of twenty-five cents heretofore mentioned: nor shall he have any of the powers granted to the police justice of said city; and in his absence or inability to act, he may designate one of the other justices of the peace of said city to act in his stead, and on his failure so to do the mayor shall make such designation.

In case of the failure of any district justice to make report of and deposit any of the fees collected by him, as herein provided, then the trial justice shall have the right of action against the said district justice for the payment of the sum so collected; and any district justice failing to make reports and deposits of the amounts collected by him, as herein provided, shall, upon conviction thereof, before the hustings court of said city, be fined not less than ten nor more than twenty dollars for each offense, and in the discretion of the judge of said hustings court, removed from office.

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CHAP. 276.—An ACT to provide new charter for the town of Iron Gate, in the county of Alleghany.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the following described territory in Alleghany county be, and is, incorporated as a town, to be known as Iron Gate:

The boundaries of said town to be as follows—to-wit: Beginning at a point in the middle of Jackson river about one hundred feet southeasterly from centre line of thirteenth street produced; thence south fifty-one degrees forty-four minutes west, fifteen hundred and forty feet to corner; thence north fifty-nine degrees fifty-eight minutes west, nine hundred and ninety and three-tenths feet to corner; thence south fifty-two degrees twenty-five minutes west, fourteen hundred and fifty-two feet to corner near southeasterly corner of block one hundred and thirteen; thence north forty-three degrees twenty-five minutes west, thirty-six hundred and sixty-three feet to corner, near westerly corner of block seventeen; thence north twelve degrees fifty minutes east, twenty-one hundred and fifty feet to corner near northerly corner of block two; thence north fifty-two degrees twenty-two minutes east, twenty-four hundred and forty feet to corner, about one hundred and fifty feet northerly from Chalybeate spring; thence north forty-two degrees forty-nine minutes east, crossing railroad to a point in the middle of Jackson river; thence south eighty-seven degrees eight minutes east, sixteen hundred feet to corner near northerly corner of block one hundred and forty-five; thence south twenty-three degrees fifty-nine minutes east, nine hundred and ninety feet to corner; thence south thirty degrees seven minutes west, six hundred and forty feet to a point in the middle of the river; and thence along the middle of the river forty-nine hundred feet to the beginning, including also a somewhat semi-circular piece of land comprising the extension of Crescent avenue and land enclosed.

2. The said town and its officers shall have all the powers and privileges and be subject to all the restrictions provided by the general laws of the Commonwealth for the government of towns and the powers of the officers of towns.

3. The present officers of said town shall remain in office until their successors are elected and qualified, as provided by the general laws.

4. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAP. 277.—An ACT to amend and re-enact an act entitled “an act to provide for opening new roads, and building bridges, and working and keeping in repair the public roads and bridges in Rockbridge county,” approved March 3, 1894, as amended by an act entitled “an act to amend and re-enact sections 12 and 15 of chapter 617 of acts of assembly 1893-'94, entitled “an act to provide for opening new roads and building bridges, etcetera, in the county of Rockbridge,” approved February 1, 1896.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act to provide for opening new roads and building bridges, and working and keeping in repair the public roads and bridges in Rockbridge county,” approved March third, eighteen hundred and ninety-four, as amended by an act entitled “an act to amend and re-enact sections twelve and fifteen of chapter six hundred and seventeen of acts of assembly eighteen hundred and ninety-three-ninety-four, entitled ‘an act to provide for opening new roads and building bridges, etcetera, in the county of Rockbridge,’” approved February first, eighteen hundred and ninety-six, be amended and re-enacted as follows:

§1. Be it enacted by the general assembly of Virginia, That on and after the first day of July, eighteen hundred and ninety-four, the public roads and bridges in the county of Rockbridge shall be repaired and kept in order as follows: For each magisterial district in the county there is hereby established a board consisting of the supervisor of the district, who shall be chairman thereof, a road commissioner, and the commissioner of the revenue of the district, who shall be treasurer and clerk of the board. The said board shall be, and is hereby, declared to be a body politic and corporate under the name and style of the board of road commissioners for the \_\_\_\_\_ magisterial district of the county of Rockbridge, and by such name may sue and be sued.

§2. There shall be appointed by the board of supervisors, within sixty days prior to the first day of July, nineteen hundred and seven, and biennially thereafter, a road commissioner for each magisterial district of the county, whose term of office shall begin on the first day of July next succeeding his appointment. He shall qualify as other county and district officers are required to qualify, except that he may qualify before the county clerk; and a failure to qualify before the commencement of his term shall vacate his office. He shall have general supervision of all the roads and bridges in his district, and keep himself fully informed as to the condition of the same; and he shall give such direction as to the character, manner, and extent of repairs as he may deem necessary and expedient. He shall examine all the roads in his district, in the months of June and November of each year, and ascertain their condition, and if any roads are found not in proper order, he shall have them repaired. He shall perform such other duties as may be prescribed by the board of supervisors, the district board of road commissioners, or required by law. It shall be lawful for the board of supervisors to remove for cause any road commissioner, after ten days' notice, and appoint another to fill the unexpired term; and also to fill any vacancy in such office, from what-

ever cause occurring. For any failure of duty, the road commissioner shall be subject to presentment by a grand jury, and on trial and conviction thereof he shall be fined not less than one dollar nor more than ten dollars.

§3. The clerks and treasurers of the boards of road commissioners shall each qualify and give bond, before the circuit court, in a penalty of not less than double the amount of any sum that is likely to be in their hands at any one time, and with security to be approved by the court; such bonds to be executed before the first day of January succeeding their election. It shall be their duty to keep all books, papers, and records of the board, and to receive and pay all moneys, as the board of road commissioners may direct or the law may prescribe. They shall settle with the board of road commissioners in the months of June and December of each year, and shall account for all money received by them as such treasurers from any source whatever. The clerk of the board of road commissioners shall annually, in the month of June of each year, make a report to the board of supervisors, as follows:

First. The amount of money received by the district from the county at large for road purposes.

Second. The amount realized from district taxation for road purposes.

Third. How the same was expended—classifying the expenditures as follows: For opening new roads, for repairing roads, for implements purchased, for labor and teams, for material, and for applying labor and material.

§4. The board of road commissioners of each magisterial district shall annually, on or before the first day of March of each year, make an estimate of the amount necessary to open new roads and keep in order the roads and bridges in their respective districts for one year, under the provisions of this law, and report the same to the board of supervisors.

§5. It shall be the duty of the board of supervisors, upon the coming in of the estimates of the boards of road commissioners, to levy a specific road tax, not exceeding twenty cents on every one hundred dollars of the value of all real and personal property in each district. This tax shall be assessed by the commissioners of the revenue and collected by the county treasurer as other taxes are assessed and collected, and used by the several boards of road commissioners in opening new roads, building bridges, and repairing roads and bridges.

§6. It shall be the duty of the board of supervisors, in addition to the levy provided for in the next preceding section, to set apart and appropriate for the purpose of repairing roads and bridges of the county, out of the general county levy, not less than four thousand seven hundred and forty-four dollars, which shall be apportioned among the several magisterial districts of the county, as may be in the judgment of the board of supervisors just and right, having reference to the population, property, mileage of roads, and needs of the districts.

§7. The amounts realized from taxation in each district, as provided in section five of this act, as well as the amounts apportioned to each district under section six of this act, shall be placed by the county treasurer to the credit of the several boards of road commissioners of the

county, and disbursed by them on warrants issued by direction of said boards of road commissioners.

§8. The boards of road commissioners shall annually, in the month of June of each year, audit, adjust, and settle their respective accounts with the county treasurer for the preceding year. They shall charge the treasurer with the full amount of road tax levied in their district, and the amount of money apportioned thereto by the board of supervisors, and shall credit him by his commissions, delinquents and all payments made by him on warrants for which he has the proper receipt.

§9. Every petition to alter, change, or discontinue a public road, to open a new road or build a bridge or establish a ferry must be referred to the board of road commissioners of the district or districts in which the same is to be located, who shall endorse thereon their approval or disapproval and their reasons therefor. The petition shall be then proceeded with as prescribed by the general statutes in such cases made and provided; but the board of road commissioners may order and establish any change in a road which does not involve the condemnation of land, or payment of damage, not exceeding twenty-five dollars, upon agreement with the landowner, to be paid out of the district fund.

§10. When the location of any road is or hereafter may be on a line dividing two magisterial districts, the road commissioners of adjoining districts shall equitably divide the expense of said roads between such districts, or, upon their failure to agree, the board of supervisors shall divide the same and direct what part of said road shall be kept in repair by each magisterial district.

§11. In opening new roads and building bridges costing less than three hundred dollars, or in repairing bridges, such work may be done by contract or otherwise. If by contract, any board of road commissioners may prescribe such regulations and take such bonds and security of contractors as may be deemed wise and best; but in building bridges costing three hundred dollars or more, and in repairs to bridges costing two hundred dollars or more, the general statutes in such cases made and provided shall apply.

§12. The board of supervisors shall, from time to time, prescribe and note upon the record of their proceedings such plans, specifications, restrictions, and directions as they deem best for the working, keeping in order and repairing the roads and bridges in the county, including any special plans, specifications, restrictions, or directions which they may prescribe for particular roads or bridges, and they shall from time to time fix the price to be allowed and paid for the hire of foremen or overseers, hands, teams, plows, and other implements used on the public roads.

§13. It shall be the duty of each supervisor to keep himself informed as to the condition of the public roads and bridges in his magisterial district, the manner in which they are worked and kept in repair, and whether or not the road commissioner of his district has fully performed his duty; and in addition to the information incidentally received by him, he shall carefully inspect all the roads and bridges in his district at least once during the year, and report in writing to the board of supervisors on the first Monday in December of each year their condition,

whether or not there has been any general improvement over the preceding year, and if the road commissioner has faithfully and judiciously discharged his duty.

§14. The cost of working and repairing the public roads and of opening new roads shall be borne by the respective districts in which they are located, as also shall the building of bridges costing less than three hundred dollars, and repairs to any bridge costing less than two hundred dollars. But should any great or unforeseen damage casually occur by extraordinary floods to any road or roads, and the road commissioners of the district or districts affected thereby are unable, with the means at their command, to repair such road or roads, the board of supervisors, or a majority of them in meeting assembled, may appropriate such sums from the county levy as may meet the exigency. All bridges costing three hundred dollars or more shall be built by the county at large, and all repairs to any bridge costing two hundred dollars or more shall also be paid by the county.

§15. The board of supervisors shall require the county clerk to have prepared and printed all blank forms of reports for supervisors and clerks of boards of road commissioners, time and receipt books for road overseers, and any other papers necessary for use in carrying out the provisions of this act, the cost of which shall be paid out of the county levy.

§16. The clerk of the county shall keep in his office a well-bound book (properly indexed), in which he shall record the commissioners' or viewers' report, the plat or diagram and order establishing any road, whether the same be established by the board of supervisors or by any board of road commissioners of the county, under section nine of this act.

§17. The pay of officers for services shall be as follows: The supervisor, clerk of board of road commissioners and road commissioner shall each receive one dollar and fifty cents per day for each meeting of the board of road commissioners, not to exceed eight dollars each in any one year; and the clerk of said board shall receive one dollar and fifty cents per day, and not exceeding forty dollars in any one year, for all other services which he may perform; the road commissioner, for locating and opening new roads, one dollar and fifty cents per day, and for all other services rendered by them, one dollar and fifty cents per day, not to exceed thirty dollars in Lexington district, forty dollars each in Buffalo and Kerr's creek districts, and fifty dollars each in Natural Bridge, Walker's creek, and South river districts in any year; supervisors, for examining roads and bridges, and making annual reports of the condition of the same, one dollar and fifty cents per day, each supervisor being required to examine at least twenty miles of road per day; the viewers, for locating roads, and the commissioners, for assessing land damages, one dollar and fifty cents each per day; surveyors, two dollars and fifty cents per day, and chain carriers, one dollar per day each, all of which shall be paid by the county treasurer out of the county fund, on warrants issued by the board of supervisors on itemized accounts, sworn to. And such officers as are required to make reports shall not receive their pay until such reports are made and filed.

§18. The general road law of the State of Virginia, except in so far as the same is in conflict with this act, shall be in force in the county of Rockbridge; and nothing contained in this act shall be so construed to interfere with unexpired contracts for the working of roads in said county.

§19. All special acts heretofore passed by the general assembly of Virginia, in reference to public roads and bridges in Rockbridge county, are hereby repealed: provided, however, that the district boards of road commissioners, and the district road commissioners, as constituted, and holding office at the time of the passage of this act, shall continue to discharge the duties of their offices, and be subject to the provisions of this act until their successors shall be elected and appointed, and shall qualify under the provisions of this act.

§20. As the time for working the public roads of the county commences in the spring of the year, and in view of the emergency existing by reason thereof, this act shall be in force from its passage.

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CHAP. 278.—An ACT to incorporate the town of Independence, in Grayson county.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits set forth and described in the second section of this act be deemed and taken as the town of Independence, and the inhabitants of the town of independence for all purposes for which towns are incorporated in this Commonwealth, shall be a body politic in fact and in name, under the denomination of the town of Independence, and as such shall have and exercise and enjoy all rights and privileges and powers, and be subject to all the duties and obligations incumbent upon and pertaining to said town as a municipal corporation.

2. The boundaries of said town shall be as follows—namely: Beginning at the courthouse of Grayson county, in said town, measuring eight hundred and eighty yards in opposite directions parallel with Main street, forming a square of one mile on each boundary.

3. The government of said town shall be vested in a mayor and six councilmen, who shall be residents and voters in said town, to be chosen every two years, by ballot, at an election held according to law, on the second Tuesday in June, the first election to be held in June, nineteen hundred and six, and enter upon their duties on the first day of September following their election. In case a vacancy shall occur in any municipal office, it shall be filled as prescribed by law. In absence of the mayor one of the councilmen shall act as mayor pro tempore, any one of the councilmen shall have power to act as mayor in his absence.

4. The council shall select from their own number a clerk, and from the qualified voters elect a town sergeant.

5. The council of said town shall have all the general powers vested in it by the general laws of the State, and shall also have the power to mark.



the bounds of existing streets, and to widen or narrow, lay out and graduate, pave, and otherwise improve streets and public highways, and move obstruction therefrom.

6. The said council shall have the power to regulate the sanitary condition of said town, and to regulate the building and keeping in a sanitary condition all stables, hog-pens, privies, slaughter-houses, etcetera, to abate nuisances at the expense of those who create them. They shall punish all violations of law and all violation of town ordinances by fine or imprisonment, or both at the discretion of the mayor, subject to the general laws of the State.

7. The said town council shall have the power to adopt any and all ordinances and enforce the same as they may deem necessary for the regulation and improvement of said town, subject, however, to the general laws of the State.

8. The authorities shall have the use of the county jail of Grayson county until the said town shall have built one of their own, for the safe-keeping of all persons who shall be sentenced under the ordinance of the town.

9. The council shall have power to suspend any officer for neglect of duty or disorderly conduct.

10. The mayor shall be the presiding officer, and shall have like power as justice of the peace.

11. The council shall have power to restrain and punish drunkards, vagrants, and beggars, to prevent vice and immorality, and make all ordinances necessary to preserve order.

12. There shall be a lien on the real estate within said town for the town taxes assessed thereon, from the commencement of the year in which they are assessed.

13. The sergeant shall collect the town taxes, fines, and levies, and shall have the same authority and remedies to distrain and sell therefor, the same as the treasurer of any county may for State taxes.

14. The council shall cause to be kept in a journal by its clerk an accurate record of all its proceedings, by-laws, acts, and orders, which shall be fully indexed and open to the inspection to any one who is entitled to vote for members of the council. Said clerk shall also keep an accurate account of all fines and moneys paid in said town of fines, costs, taxes, and soforth, and the disbursement of same.

15. All moneys collected under the provisions of this charter shall be expended by order of the town council.

16. The salary or fees to be received by the mayor and town sergeant shall be the amount fixed by the town council.

17. From and after this act goes into effect, and until the councilmen and mayor shall have been elected and qualified, J. H. Rhudy, E. L. Lundy, P. L. Harrington, J. S. Bourne, J. W. A. Vaughan, and J. G. Davis are hereby appointed councilmen, and W. F. Pool, mayor; and may qualify before the clerk of the circuit court of Grayson county, and therefrom shall constitute the council and mayor of Independence, and may organize and perform the duties of council and mayor.

18. By reason of the necessity of police protection for said town, an emergency is hereby declared to exist, and this act shall be in force from its passage.

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CHAP. 279.—An ACT to authorize the governor and the attorney-general to secure the services of associate counsel to assist the attorney-general in representing the interests of the Commonwealth in certain litigation affecting the classification of freight and the schedules of transportation rates recently formulated by the State corporation commission, and to provide compensation for such counsel.

Approved March 15, 1906.

Whereas there is now pending before the State corporation commission certain litigation wherein is attacked the validity and reasonableness of the classification of freight and schedules of transportation rates recently formulated by the State corporation commission; and

Whereas other litigation of like nature may hereafter be instituted; and

Whereas the result of such litigation vitally affects the interests of the people of this Commonwealth; and

Whereas the other official duties of the attorney-general make it impossible for him to give the time and attention which the importance of such litigation demands; therefore,

1. Be it enacted by the general assembly of Virginia, That the governor and the attorney-general be, and are hereby, authorized to retain and employ associate counsel to assist the attorney-general in representing the interests of the Commonwealth in the case now pending before the State corporation commission under the title of Commonwealth of Virginia, at the relation of the State corporation commission versus Atlantic coast line railroad company and others; and further assist the attorney-general in any appeal or appeals which may be taken in said case and in any other litigation growing out of or in any way affecting the classification of freight and schedules of transportation rates recently formulated by said commission, or any changes in or additions to the same hereafter made by said commission.

2. The sum of five thousand dollars is hereby appropriated for the purposes set forth in the foregoing section; and the said sum, or so much thereof as the attorney-general and the governor may deem necessary for the compensation of said associate counsel, shall be paid out of any funds in the treasury, not otherwise appropriated, upon a warrant or warrants drawn from time to time and signed by the governor.

CHAP. 280.—An ACT to amend and re-enact an act entitled "an act to establish a general road fund for the permanent improvement of the roads and the bridges of Dinwiddie county; to create a road board for Dinwiddie county, and to prescribe its powers and duties, and to provide for the appointment of a county superintendent of roads, and to regulate his duties," approved March 8, 1904.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Dinwiddie county shall create a special road fund by setting apart and appropriating thereto one-half of the road taxes of said county in each year, which special road fund and such other moneys as may be lawfully appropriated thereto, shall be expended annually towards the permanent improvement of the main public roads of said county.

2. The other half of said road taxes shall be set apart for the building and repair of bridges and for the repair of roads, and shall be known as the bridge and repair fund.

3. There is hereby created a board, to be known as the road board for Dinwiddie county, which shall consist of one member from each magisterial district, and one member from the county at large. The members now in office shall continue in office until July first, nineteen hundred and six. On or before the first day of July, nineteen hundred and six, and annually thereafter, the judge of the circuit court of said county, in term time or vacation, shall appoint the members of said road board. The said road board shall have the general supervision and control of all of the roads and bridges in Dinwiddie county, and on the part of said county shall agree with adjoining counties and cities in regard to the erection and maintenance of bridges between said county and such adjoining counties and cities. It shall have authority, and it shall be its duty, to designate the roads, or parts of roads in each district of said county to be known as main public roads, and to specify the character of improvement to be made on each road. So far as practicable, such main public roads shall be improved in a permanent manner out of the fund set apart under section one of this act, with such aid as may be obtained from the State highway commission, or other State authorities. The bridge and repair fund set apart under section two of this act, or so much thereof as may be needed, shall be used for keeping in repair the roads, or parts of roads, not attempted to be permanently improved, and for the erection and maintenance of bridges in said county, or between said county and some other county or city. The intention of this act being to encourage the building of a portion of permanently improved roadway in said county during each year, said board is hereby authorized to construct small sections of not less than one-half of a mile each, in the several magisterial districts of said county, the extension of the permanent work in each district to be gradually and equitably made to the end that all parts of said county may (as speedily as possible) receive a portion of the benefits of this act.

4. The said road board shall appoint one of its members chairman, and may appoint one of its members secretary, and shall appoint a county superintendent of roads, who shall be a civil engineer or a person skilled in road building, and who shall hold office during the term of one year, receive such compensation and perform such duties as may be by said board prescribed. Said road board shall authorize, empower, and direct the county superintendent of roads to construct, or to have constructed by contract, by the lowest responsible bidder, to repair, or to have repaired by contract by the lowest responsible bidder, all bridges in said county which may need to be constructed or repaired. And said board may authorize said county superintendent of roads to let to contract to the lowest responsible bidder the repair and maintenance, according to plans and specifications to be prepared by him, such roads, or parts of roads, not designated as main public roads under section three of this act. Said county superintendent of roads shall prepare plans and specifications for all bridges to be constructed or repaired by contract. In all contract work said superintendent may reject any and all bids. Said board may employ such engineers, agents, and servants as it may deem necessary, prescribe their duties and fix their compensation, and shall have full power to purchase machinery, teams, supplies, and materials, and to perform all other things necessary to carry out the spirit of this act. It shall also have authority to forbid the public from travelling on any road, or portion of road, while the same is being built, improved, or repaired; and, after reasonable notice to the parties in interest, to remove any fences or other obstructions from the roads of said county, and any person who shall attempt to interfere with said board or its agents in the discharge of such duty, shall be deemed guilty of a misdemeanor and be fined not less than twenty dollars nor more than one hundred dollars for each offense. All salaries, machinery, teams, supplies, and wages for permanent work shall be paid out of the said special road fund. All material for bridges and repair work, and all wages for labor performed thereon, shall be paid out of the said bridge and repair fund. The members of said board shall each receive the sum of twenty-five dollars per year. The secretary shall receive twenty-five dollars per year, and if he be a member of said board, this amount shall be in addition to his pay as member. It shall be the duty of the secretary to keep a record of all meetings of said board, and an itemized account of all expenditures made upon the warrant of said board, and shall perform such other clerical work as may be required by said board. A copy of said itemized accounts, verified by the oaths of the chairman and secretary, shall be filed and recorded in the clerk's office of the circuit court of said county upon the first day of each term thereof, and a copy posted at the front door of the courthouse.

5. Said board may make all necessary contracts and shall require proper bonds from the county superintendent of roads and from all contractors for the faithful performance of duties and contracts. All work and contracts shall be done and performed to the satisfaction of said road board, and all moneys shall be paid by the warrant of said road board

upon the treasurer of said county, which warrants shall designate the fund from which the same should be paid. The treasurer shall annually settle his accounts with said road board.

6. The board of supervisors of said county shall annually levy, along with the county levy, a special tax upon the property, real and personal, assessed for taxation in said county, which, together with the county levy received from railroad, canal, telegraph, and telephone companies, shall constitute the road taxes of Dinwiddie county, to be divided as provided in sections one and two of this act. Said special tax shall not be less than ten nor more than twenty cents on every one hundred dollars in value of such property, and shall be collected, accounted for, and paid out as the general county levy, unless otherwise provided for by this act.

7. No supervisor or other public officer shall have any pecuniary interest in any work or contract done or performed under the provisions of this act, except as herein provided, except further that the county surveyor may hold the office of county superintendent of roads.

8. The members of the said road board and the county superintendent of roads shall qualify by taking the usual oath for the faithful performance of their duties.

9. The governor shall have authority to furnish to the county of Dinwiddie, upon the requisition of the said county road board, convicts whose terms of service at the time of application for them does not exceed five years, in conformity with chapter two hundred and two, title fifty-five of the Code of Virginia, to work on the county roads under such regulations as the said county road board may prescribe, in conformity with said chapter, and on such conditions as to safe-keeping as the governor and said board may agreed upon.

10. The road board for Dinwiddie county shall have authority conferred upon the board of supervisors by the general road law, chapter forty-three of the Code of Virginia, to relocate roads and to establish new roads.

11. All acts, or parts of acts, in conflict with this act are hereby repealed.

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CHAP. 281.—An ACT to empower the counties of Albemarle and Buckingham and the town of Scottsville, or either of them, or any one or more of them, to construct or aid in the construction of a bridge across James river at or near the town of Scottsville, and to authorize and empower said counties and town, or either of them, or any one or more of them, to negotiate a loan or loans, and to issue bonds for that purpose.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the counties of Albemarle and Buckingham and the town of Scottsville, or either of them, or any one or more of them, be, and they are hereby, authorized and empowered to construct or aid in the construction of a bridge suitable for the passage of wagons and other vehicles across James river at or near the town of Scottsville.

2. Said bridge, if deemed expedient by the board of supervisors of either of the counties participating in the construction thereof,

may be so constructed as that its terminus on the northern side of the said river shall be in either the county of Fluvanna or the county of Albemarle, and whether such terminus be in Fluvanna county or Albemarle county, the county of Albemarle as well as the county of Buckingham and the town of Scottsville, or either or any one or more of them, are hereby authorized to construct the same or to aid in its construction.

The determination to erect, the proceedings for that purpose, the acquisition of the lands necessary, and the amount of the expenditure necessary for the construction of said bridge, and the proportions thereof to be paid by each county participating in its construction shall be determined and had as provided by section nine hundred and forty-four a, and the subdivisions thereof, of chapter forty-three of the Code of Virginia of nineteen hundred and four, as far as the same are applicable thereto and are not in conflict with the provisions of this act, and the board of supervisors of either of said counties may proceed as provided by subdivisions twenty-four and twenty-five of that section and chapter, and proceedings may be instituted and prosecuted under said subdivisions twenty-four and twenty-five of said section and chapter against either of the said counties, no matter in which county the northern terminus of said bridge is to be located.

3. For the purpose of raising the money to make such expenditure, or any part thereof by said counties, or either of them, after the same shall have been allowed and determined as provided for in the preceding sections of this act and the acts therein referred to, each of said counties of Albemarle and Buckingham is hereby authorized to issue its registered or coupon bonds for the respective amount to be raised by each, or any part thereof, bearing interest at a rate not greater than five per centum per annum, payable semi-annually, which bonds shall be issued by the board of supervisors of each respective county, and shall be signed by the chairman and attested by the clerk of such board of supervisors and shall be in such denomination and payable at such time or times as the board of supervisors of the county issuing the same may direct, and it shall not be necessary to hold any election, or to open any poll, to take the sense of the qualified voters of either of said counties on the question of the issuing of such bonds, but the same shall be issued as herein provided without holding any such election and without opening any poll to take the sense of the qualified voters.

4. The town of Scottsville, through its council, is hereby authorized to unite with said counties, or any one or more of them, in the construction of or aiding in the construction of said bridge.

If the council of said town deems it advisable to construct, or aid in the construction of such bridge, or when any person or persons apply to said council for the purpose, said council shall appoint three or more commissioners, a majority of whom may act, and who shall be authorized to confer and agree with any viewers or commissioners who may be appointed by the boards of supervisors of either or both of said counties, respectively, as to the amount to be furnished by said town toward the construction of or aiding in the construction of said bridge, and as to the location and

kind of bridge to be constructed. Said commissioners so appointed by said council shall report any agreement they may make to said council for its ratification and approval.

The council of said town is hereby authorized to use for the purpose of constructing, or aiding in the construction of such bridge, any funds belonging to said town now or hereafter under its control arising from the liquor dispensary now being operated by said town, or arising from any other source, and for the purpose of raising additional funds for the construction of or aiding in the construction of said bridge, the council of said town of Scottsville is hereby authorized, in its discretion, to negotiate a loan or loans for the purpose of constructing or aiding in the construction of said bridge, and said council is hereby authorized for that purpose to issue the registered or coupon bonds of said town for such loan or loans, payable not more than thirty years after the date of such bonds, bearing interest at a rate not greater than five per centum per annum, payable semi-annually, and in such denominations and amounts as said council shall direct, subject to the limitations imposed by the Constitution of Virginia and not exceeding in aggregate the sum of ten thousand dollars, and said council of said town is hereby authorized should such bonds be issued, to pledge in addition to its other revenues for the payment of such bonds and the interest thereon, such portion of the town's share of the future net receipts of said liquor dispensary, as in its discretion it may deem necessary, for that purpose, and said council shall provide out of the town's share of such receipts from said dispensary, or from its other revenues, or from both, a proper sinking fund for the payment of said bonds, which sinking fund shall be set aside annually by the council of said town and deposited, loaned out or invested as said council may direct, until such time as it may be needed to meet said bonds, which sinking fund shall be used exclusively for the payment of the principal of said bonds, and said town is hereby authorized, through its proper officers, to order and make such town levies as may be necessary to be made in order to raise any amounts necessary to pay the interest and principal of said bonds as they become due, or to provide a sinking fund therefor.

The commissioners so to be appointed by the council of the said town shall further be authorized, subject to the ratification and approval of the council of said town, to agree with the viewers or commissioners appointed by the boards of supervisors of said counties, or of such of them as may participate in or aid in the construction of said bridge as to what proportion of the costs of keeping said bridge in repair after its construction shall be borne by said town and by each of the counties, respectively.

The council of said town is hereby authorized to appoint a special commissioner or commissioners for the purpose of soliciting, contracting for and collecting subscriptions or donations to be used in aiding in the construction of said bridge, and any contract made with any such commissioner or commissioners for such subscription or donation shall be binding upon the party agreeing to make such subscription or donation, and such contract shall be enforceable and collectible, and suit or suits may be maintained thereon for that purpose in the name or names of the commis-

sioner or commissioners with whom the same is made, for the benefit of the town. And said council of said town may, in its discretion, require such commissioner or commissioners to execute bond conditioned for the faithful performance of his or their duties, in such penalty as said council may prescribe, and with security to be approved by such council. And all sums collected or received under this section shall be paid by the commissioner collecting the same to the treasurer of said town or into such other depository as may be designated by said council and shall be used and paid out on the order of said council in aiding in the construction of said bridge, and if not so used shall be returned to the person or persons from whom the same was collected or received.

No commissioner appointed hereunder by said town council shall receive any compensation for his services hereunder unless the same shall be expressly allowed by the council of said town, and each commissioner appointed hereunder by said council shall report all his transactions as such to said council.

5. The viewers or commissioners who may be appointed by the boards of supervisors of the respective counties, shall report to the respective boards by which they are appointed what probable amount can be raised by such subscriptions or donations from individuals, partnerships, and corporations, and what amount the said town of Scottsville will contribute toward the construction or aiding in the construction of said bridge as well as the probable cost of constructing said bridge, and they shall also report what agreement, if any, the said town is willing to make as to its part of the cost of keeping said bridge in repair.

6. After the construction of said bridge has been determined upon as hereinbefore provided, the boards of supervisors of each of the counties which shall contribute toward its construction or aiding in its construction, shall each appoint one commissioner and the council of said town shall appoint one commissioner, or if the amount furnished by said town shall equal or exceed the aggregate amount furnished by the counties, then said council shall appoint two commissioners, and the commissioners so appointed, a majority of whom may act, shall constitute a board of construction, and shall proceed to receive bids for the construction of said bridge, and for that purpose they may advertise for such bids; they may have all necessary measurements, plans, specifications, and drawings made, to be paid for, if necessary, out of the funds appropriated and raised for the construction of said bridge, or aiding in its construction, as hereinbefore provided, and such commissioners may, in their discretion, from time to time reject any and all bids and advertise for other bids, and they may, in their discretion, accept such of said bids as may seem most advantageous, and upon receiving a bid for the construction of said bridge satisfactory to them and within the limits of the funds available for the purpose, they shall contract for the construction of said bridge with the person, firm, or corporation making such bid on such terms of payment as to them may seem best, and they may, if deemed best, require bond with good security from the person, firm, or corporation contracting to construct said bridge for the faithful performance of such contract, and said commissioners are authorized to inspect said bridge from time to



time during its construction in order to ascertain whether or not the same is being constructed in accordance with the provisions of such contract, or they may appoint one or more of their number for that purpose, and if they deem it best they may employ a skilled architect or engineer for that purpose, who shall be paid for his services such compensation as said commissioners may agree upon out of the funds appropriated as hereinabove provided for the construction of said bridge. Any such commissioner shall receive only such compensation for his services hereunder as may be allowed him by the board of supervisors or town council by which he is appointed.

After said bridge has been completed said commissioners shall inspect the same themselves, or they may appoint one or more of their number to do so, or they may, if they deem best, employ a skilled architect or engineer to inspect the same and ascertain whether or not the same has been constructed in accordance with the contract for its construction, and they shall report the result of such inspection to the board of supervisors of their respective counties and to the council of the town.

The boards of supervisors of the counties contributing towards the construction of said bridge and the council of said town shall pay for said bridge out of the funds appropriated for that purpose in accordance with the terms of the contract made therefor by said commissioners.

Any such commissioner may be removed at any time and a new commissioner appointed in his place by the board or council by whom he was appointed, and in the event of the death, resignation, or removal from the State of any such commissioner a successor to fill his place may be appointed by the board or council by whom he was appointed.

7. The council of said town, upon the construction of said bridge, is further authorized in its discretion, but shall not be compellable to do so, out of the town's share of the net proceeds arising from said dispensary, to compensate the owner or owners of the public ferry now across James river at Scottsville for the loss such owner or owners may sustain by the erection of said bridge to such an extent and in such an amount as said council may, in its discretion, be willing to apply to that purpose.

8. All acts and parts of acts inconsistent herewith are hereby repealed.

9. And it appearing that the need for said bridge is very urgent, and that it cannot well be constructed except during the summer season, and that unless contracted for in the early part of the present year its construction will be delayed for another year, and therefore such an emergency exists as requires that this act shall go into immediate effect, this act shall be in force from its passage.

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CHAP. 282.—An ACT to amend and re-enact an act approved February 12, 1894, incorporating the town of Tappahannock, in the county of Essex.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the act entitled "an act to incorporate the town of Tappahannock, county of Essex,"

approved February twelfth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

2. Be it further enacted, That the town of Tappahannock, in the county of Essex, as the same has been heretofore laid off into lots, streets, and alleys, or as the same may be hereafter laid off and extended into lots, streets, and alleys, shall be, and the same is hereby, made a town corporate by the name of the town of Tappahannock, and by that name shall have and exercise the powers conferred upon towns of less than five thousand population.

3. The boundaries of the said town shall be as follows: To commence at the mouth of the creek which lies between the said town and the dwelling-house or farm called Greenfield, on the Rappahannock river, the property of the Brockenbroughs, following the meanderings of the said creek to the first slash, which is on the road leading from Tappahannock to Lloyd's, in the said county; thence along the said road until it reaches a point in line with the dividing line or fence between the Tanyard farm and what was formerly the land of James Roy Micou, now J. W. Faulconer's; thence to and along said line and continuing until it reaches a point in the field called Wakefield, formerly the property of M. B. Wright, deceased, fifty (50) yards from said Faulconer's land; thence from said point to the Rappahannock river, passing through a point thirty feet south of Judge T. R. B. Wright's granary; thence along the river shore to the beginning.

4. The officers of the said town shall consist of a mayor, six councilmen, a sergeant, a treasurer, and such other officers as the council may appoint, who shall be voters and citizens of the town. The mayor, councilmen, and sergeant shall have all the power and authority conferred on such officers by the forty-fourth and the one hundred and ninety-first chapters of the Code of Virginia of the edition of eighteen hundred and eighty-seven, by all acts amendatory thereof, and by all laws applicable to towns.

In event of sickness or absence of the mayor from the town, the duties of the office shall be discharged by some member of the council, to be designated by him in writing, and in event the said mayor should fail to so designate, then the council shall elect a mayor pro tempore from among their members.

In event of the death or resignation of the mayor during his term of office, the council shall elect for the unexpired term a mayor either from their number or from the qualified electors of the town.

The mayor shall preside at all meetings of the town council, and shall vote only in case of a tie.

All vacancies occurring in the council shall be filled for the unexpired term by the council from among the qualified electors of the town.

5. The mayor and councilmen shall serve without compensation, and the compensation of the treasurer and sergeant shall be fixed by the town council.

6. The jurisdiction of the mayor, councilmen, and sergeant shall be such as is now conferred upon them by the forty-fourth and one hundred and ninety-first chapters of the Code of Virginia of eighteen hundred and

eighty-seven, by any and all amendments thereof, and by any other law or laws act or acts applicable to towns.

7. The mayor and councilmen shall be elected on the second Tuesday of June, nineteen hundred and six, and every two years thereafter.

8. The council may adopt rules for the regulation of their proceedings, but no tax shall be levied except by a majority vote of the council. The mayor shall preside over the council, and when he is absent they may appoint a president pro tempore. A journal shall be kept of their proceedings, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they are read.

9. The council shall hold monthly meetings at dates to be designated by itself, and may be convened at any time upon the call of the president or any three of its members.

10. The council shall elect the sergeant of the town from among the electors of the town, and he shall have all powers and authority conferred by law upon the sergeants of towns, and shall discharge the same duties as constables within the corporate limits of the town, and to the distance of one mile beyond the same, and be entitled to the same fees as constables.

11. The council may elect from its own body, or from the electors of the town, a treasurer, whose duty it shall be to collect all town levies and taxes, and disburse the same by warrant of the council, and he shall have the same power of levy or distress in collecting the said levies and taxes as is now conferred upon county and city treasurers.

The council may require of him any bond in any penalty, with such sureties as it may deem proper, payable to the town of Tappahannock, and conditioned according to law for the faithful performance of said duties as treasurer of said town.

Before entering upon the discharge of his duties, he shall take the oaths required to be taken by the treasurer of the county. He may be removed by the council at any time from the office of treasurer for any default in duty, or any failure properly and promptly to account for any money in his hands, as the council may order or direct. He shall receive for his services as treasurer such compensation as the town council may from time to time direct.

12. To meet any expenditures that may be lawfully chargeable to the said town and for general purposes, the council may, at such time as it deem best, levy a town tax of so much as, in its opinion, may seem necessary and proper not in conflict with the general laws of this State, upon all taxable persons and property in the said town not exempt from taxation by the laws of the State: provided, that the taxes levied for general purposes on real and personal property of the town shall not exceed fifty cents on the one hundred dollars of its assessed value.

13. In addition to the powers conferred upon the council of the town of Tappahannock by the Code of Virginia of eighteen hundred and eighty-seven, and by all amendments of it, and any other law, act, or acts

relating to towns as is hereinbefore stated, it shall have the power to prevent hogs, dogs, cows, horses, and any other animal from running at large in said town; to prevent riding or driving horses or any other animals in an improper speed through the streets of the said town; the throwing of bricks, stones, or other missiles; the engaging in any employment, sport, conduct, bicycle riding, or any other act or acts on the streets, sidewalks, or alleys dangerous or annoying to the passers along the streets, or the citizens of the town; to restrain and punish drunkards, vagrants, and street beggars, to prevent vice and immorality; to suppress houses of ill-fame and gambling-houses; to prevent and quell riots, disturbances, and disorderly assemblages, or assemblages likely to become disorderly; to prevent lewd, indecent, or disorderly conduct or exhibitions in the said town; to prevent people coming into the town having no visible means of support, and of persons who, singly or in any numbers, may be dangerous to the health, peace, or safety of the said town; and if they are brought to it by any person or company, may compel that person or company immediately, at his or its expense, to take them away or carry them back; to appoint special police; to call out the local military company, as the mayor of a city may do; and to do any and all other thing or things necessary and proper to protect the health, the lives, the safety of the town and its citizens.

14. To carry into effect the enumerated and all other general powers, the mayor and council shall have the power to make all needful and proper orders, by-laws, and ordinances not inconsistent with the Constitution of the United States and with the Constitution and laws of this State; to prescribe all reasonable punishment and fines, and compel obedience and compliance with the same by all the remedies and powers granted to mayors and councilmen of towns by the general laws, and by all the powers conferred by sections one thousand nine hundred and thirty-two, and one thousand nine hundred and thirty-three of the Code of eighteen hundred and eighty-seven, by all amendments thereof, and by any other law whatever relating to mayors and councilmen of towns, and they shall have all the fees allowed justices of the peace.

15. The council may, with the consent of the circuit court and the board of supervisors of Essex county, use the jail of the said county, and pay the jailer his usual costs and charges; and the council shall have authority to provide a lock-up for the detention of criminals pending their removal to the county jail, which said lock-up shall be under the charge of the sergeant. When, by the provisions of the law, the council have authority to pass ordinances on any subject, they may prescribe punishment by fine or imprisonment, or both, for all violations thereof. Fines may be recovered by warrants issued in the name of the town of Tappahannock before the mayor. Whenever judgment is rendered against any person for a fine, the officer trying the offender may require immediate payment of the same, and in default of such payment may commit the party in default to the county jail, or may compel him to work out such fines and costs on the streets or other improvements of said town upon such terms as the council by ordinance may prescribe. All fines for the viola-

tion of the ordinances of said town shall be paid into the treasury thereof, and may be appropriated as the council may determine.

16. The council of said town may impose, levy, and collect a license tax on all persons taxed by the general law doing business in said town; the council shall also have power to levy and collect a license tax on any show, exhibition, or merry-go-rounds within one mile of the limits of said town.

17. The council may tax all moneys and credits invested, used, or employed in any business whatever, whether borrowed or not, as it taxes other personal property in said town.

18. The council shall elect from its number a secretary, who shall draw up and sign all warrants upon the treasurer, which said warrants shall be countersigned by the mayor of said town.

19. Be it further enacted, That A. A. Cralle shall be mayor of said town until his successor shall be elected and qualified under the election herein provided for, and that B. B. Brockenbrough, A. F. Bagby, J. L. Henley, J. C. Phillips, Thomas Latney, and D. C. Winston shall be the council of the said town until their successors shall be elected and qualified, as herein provided.

20. The mayor and council shall go into office on the first day of September immediately succeeding their election, and serve for two years.

21. An emergency existing on account of the election herein ordered, this is declared to be an emergency act, and as such shall be in force from its passage.

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CHAP. 283.—An ACT to amend and re-enact section 3 of an act approved March 6, 1900, to establish a dispensary for the sale of intoxicating liquors in Franklin magisterial district, Southampton county, Virginia, to prohibit all persons, firms, or corporations to sell, barter or exchange such liquors in said district, and to repeal all laws in conflict with said act, so far as they apply to the said magisterial district.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That section three of an act approved March sixth, nineteen hundred, to establish a dispensary for the sale of intoxicating liquors in Franklin magisterial district, Southampton county, Virginia, to prohibit all persons, firms, or corporations to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with said act, so far as they apply to the said magisterial district, be amended and re-enacted so as to read as follows:

§3. It shall be the duty of the said dispensary board herein provided for to provide a suitable place for the sale of spirituous, vinous, malt, and other intoxicating liquors within the corporate limits of the town of Franklin, when such liquors shall be kept for sale under the direction of the said dispensary board by the manager, who shall have charge and control of all liquors bought by said dispensary board for sale in said town. The manager shall be chosen by said dispensary board, and shall have charge of said dispensary, or place for sale of liquors, subject to the con-

trol of the dispensary board; he shall give bond in the sum to be fixed by said dispensary board, not less than five hundred dollars (\$500) for the faithful discharge of his duties, and for the payment of all sums of money received by him to the treasurer of the town of Franklin; he shall be paid a salary, to be fixed by said dispensary board, not exceeding the sum of seventy-five dollars (\$75) per month, which compensation shall not be dependent upon the amount of sales made by him.

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CHAP. 284.—An ACT authorizing the school board of Pulaski school district, in Pulaski county, to borrow money and use same in building or otherwise procuring and equipping a high school building in the town of Pulaski.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of Pulaski school district of Pulaski county be, and the same is hereby, authorized and empowered to borrow money to an amount not exceeding eight thousand (\$8,000) dollars, and to issue bonds therefor; such bonds shall be payable not less than five years nor more than fifteen years after their date, and shall bear interest at a rate not to exceed five per centum per annum, and said bonds shall be issued in denominations of one hundred dollars each.

The proceeds of the sale of such bonds as may be issued under this act, or as much as may be necessary, shall be used for the building, or otherwise procuring, and equipping a high school building in the town of Pulaski, in the Pulaski school district of Pulaski county, and for providing a lot on which to erect said building, and for further providing furniture and apparatus therefor: provided, that the purchaser or purchasers of any bonds issued under this act shall not be liable for the application of moneys arising from the sale of said bonds.

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CHAP. 285.—An ACT to authorize the council of the town of Phoebus to borrow money and issue bonds therefor.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the council of Phoebus be, and hereby is, authorized to borrow for said corporation in addition to the amount now authorized by law, for the purpose of paving and grading its streets, and for such other purposes of said town as the council may deem necessary, a sum of money not exceeding the sum of fifty thousand dollars, this additional issue not being in excess of the constitutional limitation by the issue and sale of bonds of the said corporation.

2. The said bonds shall be registered or coupon, shall be issued in such denominations as said council shall prescribe, and shall bear interest at a rate not to exceed six per centum, payable semi-annually. The principal

of said bonds shall be payable thirty years after their dates. The said bonds shall be signed by the president of the council, attested by the clerk of the council of said town, with the corporate seal attached, and shall be sold and negotiated in such manner and upon such terms as the council shall prescribe: provided, that said bonds shall not be sold for less than their par value.

3. The council of said town shall have power to make annual appropriations out of the revenue of the corporation to pay such interest and to provide a sinking fund for the redemption of said bonds.

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CHAP. 286.—An ACT making it lawful to take or catch eels in the waters of Back bay and its tributaries, in the county of Princess Anne, Virginia, and providing how bait shall be caught.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful to take or catch eels in the waters of Back bay and its tributaries, in the county of Princess Anne, Virginia, at any time: provided, however, that the bait used for the purpose of taking or catching eels shall not be caught or taken with drag net or haul seines during the closed season of fishing, as provided by law. Any person or persons violating the provisions of this act as to taking or catching bait shall be fined not less than one nor more than fifty dollars for each offense.

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CHAP. 287.—An ACT to repeal sections 7, 8, 9, and 10 of the charter of the town of Windsor.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That sections seven, eight, nine, and ten of the acts of the assembly of Virginia, session of nineteen hundred and one and nineteen hundred and two, chapter two hundred and thirty-seven, be hereby repealed.

2. All acts or parts of acts in conflict herewith are hereby repealed.

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CHAP. 288.—An ACT to provide for the holding of an election in the town of Abingdon on the question of a liquor dispensary in said town, and to provide for the establishment of such dispensary.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That on Thursday, the twelfth day of April, nineteen hundred and six, there shall be held within and for the town of Abingdon, at the court-house of Washington county, Virginia, a special election, at which shall be submitted to the qualified voters of said town the question of the establishment of a

municipal liquor dispensary in said town as hereinafter provided, which said election shall be held, and the returns thereof made, canvassed, and ascertained as provided by the general election laws of the State and the provisions of the charter of said town, so far as the same are applicable, and except as modified by this act. The official ballots prepared and used at said election shall contain the words "for dispensary" and the words "against dispensary," and the voter desiring to vote the establishment of said dispensary as provided by this act shall scratch out the words "against dispensary," leaving the words "for dispensary" unscratched. The certificate of the judges and clerks of said election shall show the number of votes cast "for dispensary" and the number of votes cast "against dispensary," and the commissioners of election shall certify the result of said election to the council of said town to be entered of record in its minute books. And if at said election a majority of the voters voting thereat shall vote for the establishment of said dispensary as provided by this act, then it shall be unlawful for any person, firm, or corporation in any capacity whatsoever to sell, barter, or exchange any spirituous, vinous, malt, or intoxicating liquors of any kind in said town of Abingdon on or after the first day of May, nineteen hundred and six, except as herein-after provided, and any one violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not less than one month nor more than twelve months in the jail of said county, or such persons may be punished by both fine and imprisonment as aforesaid, in the discretion of the jury, and the subsequent sections of this act shall be in full force and effect; but if at said election a majority of those voting thereat shall vote against the establishment of said dispensary, as provided by this act, then the same shall not affect the general laws pertaining to the sale of intoxicating liquors. Notice of said special election shall be given by publication at least once in some paper published in the said town and by hand-bills posted in five or more public places in said town, and at least ten days before said election.

2. The judge of the circuit court of Washington county, either in term or vacation, shall within ten days after election appoint from the citizens of said town of Abingdon, three discreet men, who shall constitute a dispensary board for the management of said dispensary, whose terms of office shall begin with their appointment and run one for one year, one for two years, and one for three years. All vacancies occurring on said board shall be filled by said judge for the unexpired term. And as the term of office of the three members of the board expires, they shall be filled by said judge to run a period of three years. The members of said board shall before entering upon the duties of their office, make oath that they will well and truly carry out to the best of their ability, all the provisions of this act. And the said judge shall have the right to remove any member of said board when, in his judgment, he has violated his oath or been guilty of malfeasance in office. Said board shall elect one of its members as chairman, whose duty it shall be to audit and approve all the bills contracted by said board, and shall receive for his services the sum of fifty dollars per annum, and the other members shall receive twelve dollars each per annum for their services.



3. It shall be the duty of the said dispensary board herein provided to provide a suitable place for the sale of spirituous, vinous, malt, and other intoxicating liquors within the corporate limits of the town of Abingdon, where such liquors shall be kept for sale under the direction of the said dispensary board by the manager, who shall have charge and control of all liquors bought by said dispensary board for sale in said town. The said manager shall be chosen by said dispensary board, and shall have charge of said dispensary for the sale of liquors subject to the control of the dispensary board, and he shall be subject to dismissal at the pleasure of said dispensary board; he shall give bond to be fixed by said dispensary board, not less than five hundred dollars for the faithful discharge of his duties and for the payment of all sums of money received by him to the treasurer of the town of Abingdon; he shall be paid a salary to be fixed by said dispensary board, not exceeding a sum of one hundred dollars per month, which compensation shall not be dependent upon the amount of sales made by him. It shall be the duty of the manager to keep a register on which shall be kept the record of the quantity sold, price paid, and date of sale. The manager of the dispensary shall at all times keep under the supervision of the dispensary board a stock of spirituous, vinous, and malt liquors in such quantities as the dispensary board shall direct; and all the bills incurred for the establishment and maintenance of the dispensary and the purchase of stock from time to time shall be paid by the treasurer of the town of Abingdon, upon the presentation of such bills, approved in writing by the chairman of the dispensary board, and said manager shall sell only for cash, and shall turn over all moneys received by him to the treasurer of the town once a week, who shall keep a separate account of the same.

4. Said dispensary board shall make from time to time rules and regulations for the operation of said dispensary; but in no event shall wines and liquors be sold to any person known to be an habitual drunkard, to minors or persons intoxicated. This dispensary shall not be opened before sunrise, and shall be closed before sunset each day, and it shall be closed on Sundays, election days, and such other days under the same circumstances as make the sale of liquors unlawful under the laws of this State. This room in which said business shall be conducted shall front upon one of the streets of said town, and shall have no other means of ingress or egress except through the front door thereof.

5. The price at which spirituous, vinous, and malt liquors shall be sold shall be fixed by the dispensary board.

6. The manager of said dispensary shall sell to no person or persons any spirituous, vinous, or malt liquors, except in sealed packages, and when an original package is broken it shall be at once bottled and sealed and the price labeled thereon.

The said board shall appoint some reliable person to assist said manager whenever it shall become necessary to break any original package and bottle and seal the same, the duty of which person it shall be to see that all of such original packages are bottled in such sized packages as may be suggested by said manager, and securely corked and sealed and the price labeled thereon. The said manager shall at no time keep or allow to be

kept any broken or unsealed package of liquor in said dispensary, either for his own use or for the use of any other person or persons. The amount of liquor so sold in said sealed packages in said dispensary shall in no case be less than one-half pint nor more than four gallons, and it shall be unlawful for said manager, or any other person, to open any such package or bottle, or drink any liquor of any kind within said dispensary, or within such distance thereof as said board may direct. Said manager shall make a monthly report to the dispensary board showing the amount of purchases and sales for the preceding month, and the stock on hand on the last day of the month.

7. Said dispensary board may cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no spirituous, vinous, or malt liquors shall be sold in said dispensary that are not known on the market as pure and unadulterated, and the board may have the liquors purchased and analyzed from time to time to ascertain if they are pure as represented. If any liquors are condemned by the chemist making the analysis as impure and unwholesome, such liquors shall not be sold at said dispensary, and the same shall be returned to the person from whom purchased and payment for same refused.

8. No liquor shall be sold in said dispensary to persons purchasing for the purpose of selling again, and said dispensary board is required to make such rules and require the manager to make such investigation as will, so far as practicable, prevent persons from so purchasing, and if the said board becomes satisfied that any person or persons have purchased, or are purchasing, liquor from the said dispensary for the purpose of selling it again, they shall direct the manager as to the quantity to be sold to such persons, which shall be such an amount as will probably prevent a resale; and in case such board becomes satisfied that any persons are directly or indirectly purchasing repeatedly for the purpose of reselling, then the dispensary board is authorized to direct the manager not to sell to such person or persons except upon the certificate of a reputable physician that such liquors are needed for medical purposes. The said dispensary board shall have power to employ attorneys, agents, or detectives to assist and aid in the detection and prosecution of any violation of this act, may borrow money necessary to conduct said dispensary subject to the control of the town council as to the amount borrowed, and shall have the power to do all other proper things not contrary to law, in order to carry out the true intent of this act.

9. The council of the said town may appropriate from the treasury of said town a sufficient amount to establish a dispensary, as provided for in this act, which amount shall be repaid into said town treasury from the profits arising from said dispensary as they shall accrue, and no profit shall be paid out in any other direction until said amount is so repaid, and thereafter said dispensary shall be supported and maintained out of the profits accruing out of said business: provided, however, that the said town council may allow said board to borrow money or buy goods on the credit of the dispensary alone if it be necessary to keep said dispensary in operation.

10. The dispensary board shall make and publish an annual report showing in detail the amount of money expended in the purchase of liquors; the itemized expense of said dispensary; the salary paid to the manager, dispensary board, and all other moneys expended on account of said dispensary, and moneys received on account thereof.

11. The treasurer of said town of Abingdon, before receiving any of the funds derived from said dispensary, shall enter into a bond sufficient to cover the amount of funds received by him, which bond shall not be for less than five thousand dollars, to be received and approved by the mayor and council of the town of Abingdon. The said treasurer shall receive for his services one per centum of all the moneys coming into his hand under this act. He shall deposit all moneys paid to him under this act in such depository as the said council of the town of Abingdon may direct. He shall disburse said funds as directed by said dispensary board in the running expenses, and the balance as the town council shall direct under the terms of this act.

12. The net profits accruing from said dispensary under this act shall be disposed of in the following manner: One-eighth to the State of Virginia, and the balance to the said town of Abingdon, to be used to pay the bonded indebtedness of said town, and after that is fully paid to go into the town treasury to be disposed of according to the direction of the town council.

13. Any person or persons who shall directly or indirectly keep or maintain by himself, or by associating or combining with others, or who shall in manner aid, assist or abet in keeping or maintaining any club-room or other place in which intoxicating liquors are received or kept for sale or distribution or division among the members of any club or association in said town, shall be guilty of a misdemeanor and punished by a fine of not less than ten dollars or by confinement in the jail not less than ten days nor more than thirty days, or both.

14. In establishing said dispensary said dispensary board may purchase from the present liquor dealers in Abingdon such of their stock on hand May first, nineteen hundred and six, as may be desired to keep in said dispensary: provided, they shall not pay more than wholesale cost for same: and provided, that the same is pronounced to be pure after an analysis by a competent chemist.

15. All laws or parts of laws in conflict with this act are hereby repealed, so far as applicable to the town of Abingdon, Virginia.

16. An emergency existing for the immediate enactment of this law. the same shall be in force from its passage.

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CHAP. 289.—An ACT to authorize the board of supervisors of Washington county to appropriate money for the purpose of the erection of a monument to the Confederate soldiers at Abingdon, Va.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Washington county be, and it is hereby, authorized and

empowered, if in its opinion it be just and proper so to do, appropriate and contribute of the county's funds a sum of money not to exceed one thousand dollars for the purpose of aiding in the erection of a monument at Abingdon, the county seat thereof, to the Confederate soldiers of said county. Such appropriation may be made and paid as a whole or may be made and paid out by installments, as the said board may determine.

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CHAP. 290.—An ACT to authorize the district school board of Eastville school district, in Northampton county, to borrow money for the purpose of providing a suitable school building in that district, and to provide for the payment of the amount so borrowed.

Approved March 15, 1906.

1. Be it enacted by the general assembly of Virginia, That the school board of the Eastville school district, in Northampton county, may borrow not exceeding the sum of two thousand dollars (\$2,000) for the purpose of buying or erecting and furnishing a suitable school building in that district.

2. The said board shall issue its bond or bonds for the money borrowed, payable at such time or times as may be agreed upon, not exceeding ten years after their issue, bearing interest not exceeding the legal rate, and payable annually or semi-annually, as agreed upon. Such bond or bonds shall be signed by the chairman and attested by the clerk of the said board, and shall be countersigned by the chairman of the board of supervisors of said county, sealed with the county seal, and attested by the county clerk.

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CHAP. 291.—An ACT to amend and re-enact an act approved December 17, 1903, entitled an act to provide for the collection of all taxes in arrear and past due to the Commonwealth prior to February 1, 1903, upon the shares of capital stock of banks and banking associations, whether due by resident or non-resident stockholders, and for this purpose to amend chapter 642 of the acts of the general assembly of Virginia, session 1895-'96, approved March 3, 1896, and appearing as section 492 c, of the Code of Virginia (Pollard's edition).

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That an act approved December seventeenth, nineteen hundred and three, entitled an act to provide for the collection of all taxes in arrear and past due to the Commonwealth prior to February first, nineteen hundred and three, upon the shares of the capital stock of banks and banking associations, whether due by resident or non-resident stockholders, and for this purpose to amend chapter six hundred and forty-two of the acts of the general assembly of Virginia, session eighteen hundred and ninety-five and six, approved March third, eighteen hundred and ninety-six, and appearing as

section four hundred and ninety two c, of the Code of Virginia (Pollard's edition), be amended and re-enacted so as to read as follows:

§1. The assessment of the shares of the capital stock of banks and banking associations heretofore made are hereby confirmed, and the assessment thereof shall be hereafter made in the manner prescribed by law.

§2. All acts done by the auditor of public accounts in pursuance of the provisions of chapter six hundred and forty-two of the acts of eighteen hundred and ninety-five and eighteen hundred and ninety-six, aforesaid, are hereby affirmed and continued in full force and virtue; and any payment of the taxes upon the shares of the capital stock of any banks or banking associations which have been made pursuant to the provisions of section two of the act hereby amended and re-enacted are hereby declared to be valid payments of said taxes.

§3. It shall be lawful for any bank or banking association doing business in this State, whether organized under the laws of this State or of the United States, at any time within ten days from the passage of this act to pay to the auditor of public accounts any or all taxes assessed upon the shares of the capital stock of the stockholders of such bank or banking association prior to the year nineteen hundred and three, and which remain due and unpaid to the Commonwealth, with interest as herein provided.

§4. Unless the taxes on such shares, so assessed prior to the year nineteen hundred and three, and so unpaid and in arrear, with interest, shall be paid to the auditor of public accounts within ten days from the passage of this act by such bank or banking association, or by the owner or holder of such shares chargeable therewith, then the said taxes so in arrear, together with six per centum interest thereon from the first day of December in the year in which such unpaid taxes were respectively assessed and originally became due and payable, shall be collected in the manner hereinafter provided.

§5. If such taxes so assessed and due upon any of such shares, with interest as aforesaid, shall not be paid to the auditor by such bank in the exercise of the privilege hereby conferred, or by the holder or owner of such shares within ten days from the passage of this act, it shall be the duty of the auditor of public accounts thereupon, within ten days, to notify the attorney-general, and to give him a copy of the lists of the stockholders of each such banks and banking associations the taxes upon which are so unpaid, together with the date from which interest upon said taxes is due and payable, and the attorney-general shall thereupon proceed to collect said taxes, with interest thereon as aforesaid, from the several stockholders who are the owners or holders of the shares of stock chargeable with said unpaid taxes, by motion in the circuit court of the city of Richmond, after ten days' notice to each of said stockholders, respectively. Such motion and the suits thus instituted shall be cognizable by said court, and said court is empowered to give full relief, and to give the defendants therein the benefit of any just and legal defense to which they may be entitled at law or in equity. The taxes due by any of said stockholders for more than one year may be embraced in and recovered by one suit, or in separate suits, as the attorney-general may find to be

most desirable or convenient. Such notice may be served upon non-resident stockholders by personal service, either within or without this State, or by publication as provided in section thirty-two hundred and eight of the Code of Virginia; and any property of any such stockholder, who is not a resident of this State, may be subjected to sale by proceeding against it by attachment sued out in any such suit by the attorney-general, and the shares of stock of such non-resident stockholder may be subjected to sale, and any money of said stockholder in the bank in which he is a stockholder may be attached and subjected for the payment of said taxes. And said court is given power and jurisdiction to enforce the collection of said taxes in each case by appropriate orders, and to enforce the same against such shares or money or property of such resident or non-resident stockholder in this State, and to give complete and effectual relief, but no bond shall in any case be required of the Commonwealth. But no personal judgment shall be rendered against any person who shall not have been duly served with such notice in this State.

§6. The attorney-general may cause a copy of the notice in such case to be served upon the bank or banking association which issued the shares of stock upon which such taxes are due, together with a notice to said bank that it will be looked to to pay any sum for which judgment shall be rendered in said proceedings; and such notice, so served upon said bank or banking association, shall thereupon operate as a garnishee summons to said bank; and unless it shall show good cause against the same, judgment may be rendered by said court against said bank for the taxes so due upon the shares of its stock aforesaid, with interest thereon as aforesaid, and for the costs of such suit. Upon the satisfaction of any such judgment, such bank shall have the right to charge the amount so paid in discharge thereof to the stockholder whose shares were chargeable with such tax. Such bank shall have the right to show cause against any such motion, and to make any defense to the same in said proceeding which it may be entitled to make at law or in equity.

§7. The attorney-general may, if he deems it proper and advisable, instead of proceeding against such bank in said suit at law, institute and prosecute in said court one or more chancery suits against any such bank which issued the shares of stock upon which said unpaid taxes and the interest thereon are due, for the purpose of subjecting the shares of stock, money, or other assets of any stockholder of said bank, upon whose shares such taxes are due, to the payment of the same and interest thereon, as aforesaid, or for the purpose of requiring said bank to pay the same to the extent that it may be legally or equitably liable therefor by reason of any lien of the Commonwealth thereon, or by reason of the provisions of section seventeen of chapter two hundred and forty-four of the acts of the general assembly of Virginia, session of eighteen hundred and eighty-nine and eighteen hundred and ninety, as amended by chapter six hundred and sixty-nine of the acts of the general assembly of Virginia, session of eighteen hundred and ninety-five and eighteen hundred and ninety-six, approved March third, eighteen hundred and ninety-six, or by reason of any notice given to, or list filed with such bank by said auditor, or by any city or county treasurer, or by reason of any act done

pursuant to the provisions of said act of March third, eighteen hundred and ninety-six. Such chancery suit may be instituted and prosecuted either as a cumulative or as a collateral remedy for the collection of such unpaid taxes.

§8. All taxes upon such shares of stock assessed prior to the year nineteen hundred and three and due and unpaid to any county, city, or town of this Commonwealth, may be enforced and collected in the same manner and upon similar proceedings, whether such proceedings be now pending or hereafter instituted, as is provided in this act for the enforcement and collection of State taxes thereon, said proceedings to be instituted by and in the name of such county, city, or town in the court having jurisdiction of civil cases therein, and to conform in other respects, as far as may be to the proceedings prescribed in this act for the collection of State taxes upon such shares of stock.

§9. All liens in behalf of the State provided for and secured by section one of chapter six hundred and forty-two of acts of eighteen hundred and ninety-five and eighteen hundred and ninety-six aforesaid, and any other liens which the Commonwealth has acquired as a security for the ultimate collection of any such taxes, and all liens provided by law as security for the collection of taxes so due such county, city, or town are hereby preserved and continued in force as though this act had not been passed.

§10. Any such taxes, with the interest thereon as aforesaid, and any costs of any suit which may have been brought by the attorney-general to recover the same, may be paid to the said auditor by the bank which issued the shares upon which said taxes are due, or by the owner of such shares, or by any person for him, at any time after twenty days from the passage of this act; and thereupon any suit which may have been brought for the collection of the same shall be dismissed; or, if a judgment shall have been recovered therefor, the auditor or the attorney-general shall cause the same to be duly marked satisfied.

§11. An emergency existing for the immediate operation of this act, the same shall be in force from its passage.

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CHAP. 292.—An ACT to amend and re-enact section 139 of the act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for pensions as authorized by section 189 of the Constitution, which was chapter 148 of the acts of assembly 1902-1903-1904, as amended and re-enacted by the act which is chapter 20 of the acts of assembly of 1904, be amended and re-enacted so as to read as follows.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section one hundred and thirty-nine of the act to raise revenue for the support of the government and public free schools and to pay the interest on the public debt, and to provide for pensions as authorized by section one hundred and eighty-nine of the Constitution, "which was chapter one hundred and

forty-eight of the acts of assembly of nineteen hundred and two, nineteen hundred and three, and nineteen hundred and four, as amended and re-enacted by the act which is chapter twenty of the acts of assembly of nineteen hundred and four, be amended and re-enacted so as to read as follows:

§139. Any person, firm, or corporation, having on a street, alley, or other place in the city, or on any public road in any county, or in shops, stores, hotels, boarding-houses, depots, public or private rooms, or any other place anywhere in the State of Virginia, a slot machine of any description, into which are dropped pennies or nickels or coins of other denominations to dispose of chewing gum, or other articles of merchandise, or for the purpose of operating musical or other devices that operate on the nickel-in-the-slot principle used for gain, except as a pay telephone, shall pay for every such slot machine or musical or other devices, as the case may be, a license tax of ten dollars per year for the use and benefit of the State, except such vending machines as are used solely for the sale of agricultural products or cigars, on which shall be levied a license tax of three dollars per year for each machine, except also weighing machines, and machines solely for the purpose of selling shoe strings, on which shall be levied a license tax of two dollars per year for each machine: provided, however, that nothing in this section contained shall be construed as permitting any such person, firm, or corporation to keep, maintain, exhibit, or operate any slot machine or other device in the operation of which cigarettes or intoxicating liquors are disposed of or in which the element of chance enters, and it shall not be lawful for any commissioner of the revenue or other officer to issue a license under this section to any such person, firm, or corporation for the keeping, maintaining, exhibiting, or operating of any such slot machine or other device in the operation of which cigarettes or intoxicating liquors are disposed of or in which the element of chance enters, the intent of this section being to license only those machines or devices in the operation of which the element of chance does not enter, and which are not used to dispose of cigarettes or intoxicating liquors.

Any person, firm, or corporation having any such machine, and failing to procure a license therefor, shall be subject to a fine of not less than twenty dollars nor more than fifty dollars for each offense, and such machine shall become forfeited to the Commonwealth.

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CHAP. 293.—An ACT to amend and re-enact sections 1531 and 1538 of an act of assembly entitled "an act to amend and re-enact chapter 67 of the Code of Virginia, in relation to public free schools in cities and in towns constituting separate school districts," approved December 31, 1903.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That sections fifteen hundred and thirty-one and fifteen hundred and thirty-eight of an act entitled "an act to amend and re-enact chapter sixty-seven of the



Code of Virginia, in relation to public free schools in cities and in towns constituting separate school districts," be amended and re-enacted so as to read as follows:

§1531. Apportionment of State funds; how and by whom kept and disbursed.—The State school funds shall be apportioned to cities separately from their counties; and all funds designed for the benefit of public free schools therein shall be deposited with the treasurers of such cities, and kept by said treasurers in separate accounts, and disbursed only on orders from the city school boards, respectively.

§1538. Powers and duties of boards of trustees; qualification of trustees, and soforth; a corporation.—Every school trustee shall, at the time of his appointment, be a resident of the school district for which appointed, and if he shall cease to be a resident thereof, his office shall be deemed vacant. Before entering upon the discharge of the duties of his office he shall take and subscribe the oaths prescribed for officers of the State before the corporation or the circuit court; or, in vacation, before the judge or clerk of said court, and the clerk of the said court shall make in his record book a minute of the qualification of said trustee.

No federal or State officer, except a notary public, no city officer, no member of council, or any officer thereof, shall during his term of office be chosen or allowed to act as a school trustee; but this provision shall not have the effect of prohibiting a commissioner in chancery or commissioner in bankruptcy, or member of the board of health, from holding such office.

The city school board of every city shall establish and maintain therein a general system of public free schools in accordance with the requirements of the Constitution and the general educational policy of the Commonwealth, for the accomplishment of which purpose it shall have the following powers and duties:

First. To explain, enforce, and observe the school laws, and to make rules for the government of the schools, and for regulating the conduct of pupils going to and returning therefrom.

Second. To determine the studies to be pursued, the methods of teaching, and government to be employed in the schools, and the length of the school term.

Third. To employ teachers and to dismiss them when delinquent, inefficient, or in any wise unworthy of the position: provided, that no school board shall employ or pay any teacher from the public funds unless the teacher shall hold a certificate in full force, according to the provisions of section fourteen hundred and seventy-six of the laws relating to the public free schools in counties: and provided, further, that it shall not be lawful for the school board of any city or of any town constituting a separate school district to employ or pay any teacher from the public funds if said teacher is the brother, sister, wife, son, or daughter of any member of said board.

To suspend or expel pupils when the prosperity and efficiency of the school make it necessary.

Fifth. To decide what children, wishing to enter the schools of the city, are entitled by reason of the poverty of their parents or guardians

to receive text-books free of charge, and to provide for supplying them accordingly.

Sixth. To establish high and normal schools and such other schools as may, in its judgment, be necessary to the completeness and efficiency of the school system.

Seventh. To see that the census of children required by sections fourteen hundred and sixty-two and fourteen hundred and sixty-three of the Code of Virginia is taken within the proper time and in the proper manner.

Eighth. To hold regular meetings and to prescribe when and how special meetings may be called.

Ninth. To call meetings of the people of the city for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall preside if present.

Tenth. To provide suitable school-houses, with proper furniture and appliances, and to care for, manage, and control the school property of the city. For these purposes it may lease, purchase, or build such houses according to the exigencies of the city and the means at its disposal. No school-house shall be contracted for or erected until the plans therefor shall have been submitted to and approved in writing by the division superintendent of schools, and no public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard to decency and health; and when a school-house appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same, and immediately to give notice thereof, in writing, to the chairman of the school board, and thenceforth no public school shall be held therein, nor shall any part of the State or city fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the city school board that he is satisfied with the condition of such building and with the appliances pertaining thereto.

Eleventh. To visit the public free schools within the city, from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

Twelfth. To manage and control the school funds of the city, to provide for the pay of teachers and of the clerk of the board, for the cost of providing school-houses and the appurtenances thereto and the repairs thereof, for school furniture and appliances, for necessary text-books for indigent children attending the public free schools, and for any other expenses attending the administration of the public free school system, so far as the same is under the control or at the charge of the school officers.

Thirteenth. To examine all claims against the school board, and when approved, to pay the same: provided, that a record of such approval shall be made in the proceedings of the board, and a warrant on the city treasurer shall be drawn, signed by the chairman of the board and countersigned by the clerk thereof, payable to the person or persons entitled to receive such money, and stating on its face the purpose or service for which it is to be paid, and that such warrant is drawn in pursuance of an order entered by the board on the \_\_\_\_\_ day of \_\_\_\_\_.

Fourteenth. School board to submit estimate.—It shall be the duty of the school board of every city, once in each year, and oftener if deemed necessary, to submit to the council, in writing, a classified estimate of what funds will be needed for the proper maintenance and growth of the public schools of the city, and to request the council to make provision, by appropriation or levy, for the same.

Fifteenth. To perform such other duties as shall be prescribed by the State board of education or are imposed by other parts of this act.

City school boards shall in general have the same power in relation to the condemnation or purchase of land and to the vesting of the title thereof, and also in relation to the title to and management of property of any kind applicable to school purposes, whether heretofore or hereafter set apart therefor, and however to set apart, whether by gift, grant, devise, or any other conveyance and from whatever source, as county and district school boards have in the counties. They shall also have a clerk, who shall be charged with the same duties as the clerk of district school boards.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

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CHAP. 294.—An ACT to amend and re-enact section 41 of an act entitled "an act to raise revenue for the support of the government and public free schools and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution," approved April 16, 1903.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section forty-one of an act entitled "an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section one hundred and eighty-nine of the Constitution," be amended and re-enacted so as to read as follows:

§41. Every domestic corporation, other than a purely charitable institution, and every foreign corporation doing business in this State, whose maximum capital stock is fifteen thousand dollars, or under, and every such corporation organized on a mutual basis or without capital stock, shall pay into the treasury of the State on or before the first day of March, in each and every year an annual registration fee of five dollars; a corporation whose maximum capital stock is over fifteen thousand dollars, and does not exceed fifty thousand dollars, shall pay an annual registration fee of ten dollars; a corporation whose maximum capital stock is over fifty thousand, and does not exceed one hundred thousand dollars, shall pay an annual registration fee of fifteen dollars; a corporation whose maximum capital stock is over one hundred thousand dollars, and does not exceed three hundred thousand dollars, shall pay an annual registration fee of twenty dollars; and a corporation whose maximum capital stock exceeds three hundred thousand dollars, shall pay an annual registration fee of twenty-five dollars; said annual registration fee shall be irrespective of any specific license tax or other tax or fee imposed by

law upon said corporation for the privilege of carrying on its business in this State or upon its franchise, property, or receipts.

The State corporation commission shall ascertain from its records the amount of the authorized maximum capital stock of each of said corporations, as of the first day of January of each year, and shall assess against each such corporation the registration fee herein imposed, and a certified copy of the assessment, when made, shall be forwarded by the clerk of the State corporation commission, before the fifteenth day of February, to the auditor of public accounts, and to each such corporation.

The State corporation commission may require every domestic and foreign corporations, in the month of January, in each year, and within such time as it may prescribe, to make to the commission, on forms prescribed by it, such report of the status, business, and condition of each such corporation as the commission may call for.

The failure of any corporation for two successive years to pay its annual registration fee, or to make such report, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate, without further proceedings, as a revocation and annulment of the charter of such corporation, if it be a domestic corporation, or of its certificate of authority to do business in this State, if it be a foreign corporation, and the State corporation commission shall publish the fact of such revocation or annulment once a week for four consecutive weeks in a daily newspaper published in the city of Richmond, Virginia.

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CHAP. 295.—An ACT to amend and re-enact section 34 of an act entitled "an act to raise revenue for the support of the government and public free schools and to pay the interest on the public debt and to provide a special tax for pensions, as authorized by section 189 of the Constitution," approved April 16, 1903.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section thirty-four of an act entitled "an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution," approved April sixteen, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§34. Each incorporated telegraph and telephone company doing business in this State, and each firm, person, or association owning or operating a telegraph or telephone line in this State, shall report annually on the first day of September to the State corporation commission all of its real and personal property of every description in this State belonging to it on the thirtieth day of June preceding, showing particularly in what corporation, county, and school district the property is located, and classify the same under the following heads:

First. Number of miles of poles or conduits owned or operated by it within this State on the thirtieth day of June preceding in each county, city, town, and school district.

Second. Number of miles of wire in excess of one wire in each city, county, town, and school district.

Third. Real and personal property, including the value of the telephone instruments, switchboards, etcetera, and the value of telegraph instruments, apparatus, etcetera, in each city, county, town, or school district.

Fourth. The gross earnings and receipts in this State for the twelve months next preceding the thirtieth day of June.

The report herein required shall be verified by the oath of the president or other proper officer of the company making the same.

The State corporation commission shall, after thirty days' notice previously given by it to the president or other proper officer of each of such companies, incorporated under the laws of this or any other State, assess the value of its property. Should any such incorporated company fail to make such report at the time herein prescribed the State corporation commission shall, at such time as it may elect, upon the best and most reliable information that can be procured, assess the value of the property of said company, and assess upon said property the taxes imposed by law, and shall also assess the license tax imposed by law upon every such company, and in the execution of such duty shall be authorized and empowered to send for persons and papers.

The State corporation commission shall assess upon said property the taxes imposed thereon by law.

A certified copy of the assessment, when made, shall be immediately forwarded by the clerk of the State corporation commission to the auditor of public accounts, and to the president or other proper officer of each such company, and such company shall pay into the treasury of the State by the first day of December following the taxes assessed against it.

It shall be the duty of the State corporation commission to furnish to the council of every corporation, and to the board of supervisors of every county, and to every city and county treasurer wherein any property belonging to any such corporation is situated, a certified copy of the assessment made by the State corporation commission of such company's property, which assessment shall definitely show the character of the property, its value, and the location for the purposes of taxation in each city, county, and district, so that city, town, county, district, and road levies may be imposed upon the same.

Upon the receipt of every such report from a person or a firm not incorporated, operating a telegraph or telephone line in this State, a certified copy of each such report shall be immediately forwarded by the clerk of the State corporation commission to the auditor of public accounts, and it shall be the duty of the auditor of public accounts forthwith to require all the telegraph or telephone lines and wires of each such firm or person throughout the State, and each county, district, city, or town thereof to be assessed at a fair valuation by the commissioner of the revenue of the county, district, or city wherein the chief office of such firm is located, and all other property of each such firm or person to be in like manner assessed by the commissioner of the revenue of the county, district, or city wherein located, and every such assessment shall be re-

turned to the auditor of public accounts within thirty days after the same is made. A certified copy of the assessment when made and returned, shall be immediately forwarded by the auditor of public accounts to the chief officer of such telegraph or telephone firm, or to such person whose duty it shall be to pay into the treasury of the State on or before the first day of December following the taxes assessed against it. A firm or person failing to make such report shall be immediately assessed, under the direction of the auditor of public accounts, by any commissioner or commissioners of the revenue designated by him for that purpose, rating each mile of telegraph or telephone line at its real value, and not less than one hundred and twenty-five dollars for one wire per mile, and twenty-five dollars for each additional wire per mile, and ascertaining the value of all other property, real and personal, owned by such telegraph or telephone firm or person, in the mode prescribed by law for ascertaining the value of property of individuals for the purpose of taxation, and a tax shall at once be levied on such value as ascertained at the annual rate levied upon the value of other property for the year. If any such telegraph or telephone firm or person shall fail to make such report to the auditor of public accounts, such firm or person shall also be liable to a fine of not less than five hundred dollars nor more than two thousand five hundred dollars, the said fine to be imposed and judgment entered therefor by the State corporation commission after thirty days' notice to such defaulting firm or person to appear before the said commissioner and to show cause, if any, against the imposition of such fine, subject to appeal of the supreme court of appeals of Virginia. Any such firm or person may seek redress against any erroneous assessments made under this section, in the mode prescribed by law for redress against erroneous assessments of property of individuals.

It shall be the duty of the county superintendent of schools in each county in which any such telegraph or telephone company or firm or person operating a telegraph or telephone line owns property, on or before the first day of July of each year, to furnish such telegraph or telephone company, firm, or person, and the clerk of the State corporation commission, the boundaries of the school district of said county wherein any such property is situated.

It shall be the duty of the judge of the circuit court for each county, at the next term of said court after the first day of July in each year, to instruct the grand jury to inquire into and ascertain whether or not the county superintendent of schools has furnished the boundaries of each school district to such telegraph and telephone companies operating in said county and to the clerk of the corporation commission. If the grand jury shall find that the county superintendent of schools has not furnished the boundaries of such school districts as herein provided, indictments shall be found against him for a misdemeanor, and upon conviction thereof he shall be fined not less than twenty-five dollars nor more than one hundred dollars for each school district so omitted.

Any such company, firm, or person failing to pay said taxes into the treasury within the time herein prescribed, shall incur a penalty thereon of five per centum, which shall be added to the amount of said taxes.

CHAP. 296.—An ACT to amend and re-enact section 2 of chapter 2 of an act entitled “an act concerning corporations,” which became a law May 21, 1903, as amended by an act approved December 31, 1903.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section two of chapter two of an act entitled “an act concerning corporations,” which became a law May twenty-first, nineteen hundred and three, be amended and re-enacted so as to read as follows :

§2. The articles of association shall be signed in person by not less than seven incorporators, shall be acknowledged by the persons so signing before an officer authorized by the laws of this State to take acknowledgments of deeds, and the said articles, together with the receipts showing the payment of the fee, if any, required by law to be paid to the State upon the charter, may be presented to the State corporation commission, which shall ascertain and declare whether the applicants have, by complying with the requirements of law, entitled themselves to a charter, and shall issue or refuse the same accordingly. When the said charter shall have been so issued the said articles of association, with all endorsements thereon, and the order of the State corporation commission shall be certified to the secretary of the Commonwealth as required by law, and by the last named officer recorded in the charter records of his office, who shall thereupon endorse thereon the fact of such recordation, and return the same to the State corporation commission, to be lodged and preserved in the office of its clerk. As soon as the said articles of association are lodged with the secretary of the Commonwealth to be recorded, the persons who signed and acknowledged the same, and their successors, and such other persons as may be associated with them, according to the provisions of the law of their charter, shall be a body politic and corporate, by the name set forth in the said articles of association, with the powers and upon the terms set forth therein, so far as not to conflict with this act; and in addition shall have all the general powers, and be subject to all the general restrictions conferred and imposed on corporations by chapter five of this act, and the laws of this State relating to corporations, so far as applicable thereto, and shall also have power :

(a) To cause to be made such examinations and surveys for its proposed railroad as may be necessary to the selection of the most advantageous route or routes, or for the improvement or straightening of its line or change of location, for constructing or providing additional tracks or facilities or for any other work or thing mentioned in subsection (f) of this section; and for such purposes by its officers and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damage that may be done thereto.

(b) To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance, and accommodation of its railroad, its terminals, and appurtenances.

(c) To purchase, lease, or otherwise acquire, hold, and use all such real estate or other property as may be necessary for the construction and maintenance of its railroads, its terminals, depots, stations, and other accommodations necessary to accomplish the objects of its incorporation.

(d) To lay out its road as in its said articles of association, or in this act provided, and to construct, maintain, and operate the same, and to purchase, lease, or otherwise acquire, or construct, maintain, and operate all necessary or convenient telegraph and telephone lines in connection with, and as a part of its business as far as practicable on the right of way of such road so far as the right of way is in this State.

(e) To consolidate with or merge into itself, purchase or lease the works, property, and franchises, or any part thereof, of any railroad company incorporated under the laws of this State or another State, or of this State and another, or other States, or under the laws of the United States, or any works, property, and franchises or any part thereof suitable for railroad purposes from the owners thereof, and to sell or lease its works, property, and franchises, or any part thereof, to any other such corporation chartered or organized under the laws of this State, and any railroad company incorporated under the laws of this State or another State, or of this State and another, or other States, or under the laws of the United States, is hereby authorized and empowered to consolidate with or merge into itself, and to sell or lease its works, property, and franchises, or any part thereof, to any other such corporation chartered or organized under the laws of this State, and any owner or owners of any works, property or franchises suitable for railroad purposes are hereby authorized and empowered to sell or lease such works, property, franchises, or any part thereof, to any railroad corporation organized under the laws of this State: provided, however, that nothing in this act shall authorize or be construed to permit the purchase, lease, sale, consolidation or merger of the works, property, or franchises of railroads competitive between points both of which are within this State, or lines between the same terminal points both of which are within this State whether such lines be operated by same or different motive power, except that this proviso shall not prevent the sale or lease by any railroad company incorporated under the laws of this State or another State, or of this State and another, or other States, or under the laws of the United States, or any owner or owners of any works, property, or franchises suitable for railroad purposes of all its or their uncompleted works and property and the franchises relating thereto, or any part thereof, to any railroad corporation chartered or organized under the laws of this State, no part of whose road in this State is in operation; but, on the contrary, any railroad company incorporated under the laws of this State or another State, or of this State and another, or other States, or under the laws of the United States, or any owner or owners of any uncompleted works, property, or franchises suitable for railroad purposes, may, with the consent of the State corporation commission first obtained, sell or lease such uncompleted works and property and the franchises relating thereto, or any part thereof, to any other railroad corporation chartered or organized under the laws of this State no part of whose road in this State is in operation, and such latter corporation may purchase or take a lease of such uncompleted works and property and franchises relating thereto or any part thereof, anything in said proviso to the contrary not-



withstanding. But the consent as aforesaid of the State corporation commission shall not be given if in the judgment of said commission the purpose of such proposed sale or lease is, or the effect thereof will be to prevent competition between the corporations, parties to the said sale or lease, which would exist, or might have existed, or arisen between said corporations except for said sale or lease: provided, however, that no transportation company in which the State owns stock, bonds, or other dividend obligations shall be merged under the provisions of this act until and except the State shall consent thereto by future legislative enactment and the State corporation commission shall have determined and entered upon its records that the terms of said contract of merger are fair and just to the State, and the interests of the State are properly provided for and protected therein. Nothing in this act shall be construed to limit or invalidate any of the provisions of any charter now in force which has been heretofore granted to any railroad corporation by an act of the general assembly of this State: provided, however, that if any railroad company, heretofore organized under any law of this State shall hereafter purchase, merge, or consolidate with itself any railroad competitive with it between points, both of which are within this State, then the company so purchasing, merging, or consolidating shall thereby be deemed to surrender, and shall thereby surrender any exemption it may have under section twelve hundred and forty of the Code of Virginia, from the power of the State to change its tolls without its assent, unless said purchase, merger, or consolidation be approved by the State corporation commission, in which event there shall be no such surrender. Should any railroad corporation heretofore chartered by an act of the general assembly of this State be merged into or consolidated into or be acquired by a foreign corporation in such way that the corporation of this State thereby loses its identity as a corporation of this State, then such foreign corporation so consolidating, merging, or acquiring such railroad shall, as a condition precedent to the validity of any such merger, consolidation, or acquisition, file with the State corporation commission an instrument in writing, attested by the seal of said foreign corporation, and the signatures of its president and secretary acknowledging itself to be a domestic corporation of the State of Virginia as to its works, property, and franchises within the territorial limits of the said State of Virginia, and subject to its laws and the jurisdiction of its courts.

(f) In the event the said corporation cannot, because of the incapacity of the owner, or inability to agree upon the price or terms, or because the owner cannot, with reasonable diligence, be found in this State, or is unknown, agree on terms of purchase with those entitled to any land, sand, earth, gravel, water, or other material necessary to be taken and used in the construction, maintenance, operation, or improvement of said railroad, or in the straightening of its line or change of its location, or in constructing or providing depots, stations, shops, yards, terminals, or additional tracks or facilities, or for other necessary railroad purposes, it may proceed for the condemnation thereof in the manner under the restrictions prescribed by the general statute of this State relative to the condemnation of lands: provided, however, that such corporation shall

not take, by condemnation proceedings, a strip of land for its right of way wider than one hundred feet, except at places where more land is required for slopes, ditches, cuts, tunnels, embankments, or for the improvement or straightening of its line, or change of location, or for drainage, or for depositing waste material.

Any railroad corporation heretofore or hereafter created under the provisions of this chapter, whose works are operated by electric power, shall, in addition to the powers provided for under this chapter, have power to do the business of a general electric lighting and power company, with all the rights, powers, and privileges of such companies as fully and effectively as if such corporation were created under the provisions of chapter three of this act.

(g) To exercise all other powers hereby granted and all the powers conferred upon railroad corporations by the existing laws of this State, so far as not in conflict herewith, and by all acts hereafter passed amendatory thereof, or supplemental thereto, and subject to all the restrictions imposed by law on such corporations.

2. It being desirable to encourage the construction of railroads in this State that this act should be in force immediately, an emergency is hereby declared, and this act shall be in force from its passage.

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CHAP. 297.—An ACT to amend and re-enact sections 7 and 9 of chapter 10 of chapter 609 of the acts of the general assembly of Virginia, 1902-'03-'04, relating to turnpike companies.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That sections seven and nine of chapter ten of chapter six hundred and nine of the acts of assembly, nineteen hundred and two, nineteen hundred and three, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§7. The report of the freeholders shall be annexed to the summons and shall be to the following effect:

We, \_\_\_\_\_, freeholders named in the summons hereto annexed, certify that after having been duly sworn, we have in pursuance thereto examined the section herein mentioned and report the condition of the same to be as follows: \_\_\_\_\_, and make the following recommendations: \_\_\_\_\_.

§9. All tolls upon any section or sections of the road of any turnpike company pronounced to be out of repair by the viewers, and over which they recommend that the tolls be suspended, shall from the time of the filing of the report of the viewers in the clerk's office, be suspended, unless an appeal be taken from the decision of the said viewers as provided in section five of this act; and in the event that the circuit court shall confirm the said report of viewers, upon appeal, or in the event that no appeal be taken, the tolls thus suspended shall remain suspended until said section or sections shall be put in good repair and ascertained so to be as follows:

On the application of the president, or one of the directors of the company, a justice shall issue his warrant for summoning three freeholders of the county not living on or regularly using said road, to be named in the warrants, to meet on the said section at a certain specified time, which shall be as soon as convenient, and ascertain whether the said section is in good repair or not; and the proceedings upon such warrants shall be the same as are prescribed in the preceding sections; the fees of the officers and viewers shall be paid by the company: provided, that where viewers, appointed by the circuit court of any county in which there may be a turnpike road upon which tolls are charged, or by the judge thereof in vacation, shall have reported such turnpike, or any section or sections thereof as not in good repair, and payment of tolls on the same shall have been suspended in the manner provided by law, should such turnpike company allow its said road, or any section or sections thereof, to remain for four months consecutively in such condition that tolls are not allowed to be charged thereon, the Commonwealth's attorney of such county, or of any adjacent county, may apply by petition in writing to the circuit court of such county in which such turnpike road is situated to have the said turnpike, or any section or sections thereof in said county upon which tolls are not allowed to be charged, again viewed by freeholders, of which petition five days' notice in writing shall be given to the president, or one of the directors or any agent or employee of the said turnpike company; and the said circuit court shall cause the said turnpike, or any section or sections thereof in said county upon which tolls are not allowed to be charged, to be examined by three freeholders of the county not living on or regularly using said road, as prayed in said petition; all proceedings following said petition to be as provided by sections five, six, seven, and eight of this chapter: provided, that the report of the said freeholders shall, in addition to the report required by section seven, of this chapter, state whether in their opinion the said turnpike company has prior to service of such notice made substantial effort to put in good repair such section or sections of this road since the same was or were declared as not in good repair and tolls thereon suspended.

Upon the filing of the report of the said viewers, the said court may set a day for the consideration of the said report, of which due notice in writing shall be served upon the president, or any director or agent or employee of the said turnpike company, and upon said hearing, the said court may confirm, set aside, or recommit said report for further proceeding, or may enter such order in the premises as it may deem advisable; but, if upon hearing herein provided for, or any subsequent hearing, the said court shall be of the opinion that the said road, or any section or sections thereof, is or are not in good repair, and that the said turnpike company has not made real and substantial effort to put the said road and the sections thereof in good repair, after tolls were suspended thereon, according to this section, then the said court may enter its order declaring that the said turnpike company has abandoned its said road in said county, and thereupon the charter and franchises of the said turnpike company as to said road in said county shall be forfeited. Any

turnpike company whose charter and franchises have been declared forfeited as to said county by said order may appeal from the decision of the said court to the supreme court of appeals.

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CHAP. 298.—An ACT to require railroad companies under certain conditions to maintain telephones in their public offices.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of every railroad company having a ticket office or freight office in any city or town of this Commonwealth where there are, at the time, one or more public telephone exchanges, or at any place where telephone connection may be had, on reasonably moderate terms, with one or more telephone exchanges not more than twenty-five miles distant from such place, to constantly maintain in each of such offices, direct telephone connection with each of such exchanges; but nothing herein contained shall be construed to require such railroad company to build a telephone line, it being intended to require such company to put telephones in its offices where it can obtain them as they may be obtained for other business offices in the same vicinity; such railroad company shall cause to be promptly answered all calls made over such telephone connection during business hours. Through such telephone connection, such railroad company shall cause prompt and correct replies to be made to all reasonable and proper inquiries received over such connection during business hours, concerning the passenger or freight service of such road.

2. The term business hours as used in this act shall be construed to mean such times as the office or depot may be open, with an officer or agent of the railroad company in charge, for the transaction of business.

3. The State corporation commission shall by proper orders and requirements, and by the infliction of suitable penalties, enforce the performance of the foregoing duties by each railroad company doing business in this State: provided, that the State corporation commission may on the application of any railroad company after such notice as the said commission may direct, excuse such company from placing a telephone in any office, depot, or place where, in the opinion of the commission, the public convenience does not require it.

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CHAP. 299.—An ACT to regulate the running of automobiles, locomobiles and other vehicles and conveyances whose motive power is other than animals, along and over the public highways of this State, to provide for the registration of the same, to provide uniform rules regulating the use and speed thereof and to prescribe penalties for the violation of said rules.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person or persons, except in accordance with the pro-

visions of this act, to run, drive, or operate any automobile, locomobile, or any vehicle of any kind, the motive power of which shall be electricity, steam, gas, gasoline, or any other motive power except animals, and which said vehicles shall hereafter be called machines in this act, on or along or across any public road, street, alley, highway, avenue, or turnpike of any county, city, town or village in the State of Virginia, except and until such person shall comply with section two of this act.

2. Every owner of a machine shall register the same by making application to the secretary of the Commonwealth for a certificate of registration. The application must contain the name of the applicant with his address and place of residence, the name and a brief description of the machine, with the number, if any, as fixed by the maker.

(a) The secretary of the Commonwealth shall issue a certificate of registration in duplicate, giving the machine in question a number, which shall distinguish it. One of these certificates of registration must be firmly attached to the machine in an easily accessible place, and shall be in form as follows:

This is to certify that \_\_\_\_\_ is the owner of a \_\_\_\_\_ machine, numbered \_\_\_\_\_.

That his (or her) residence is \_\_\_\_\_; his (or her) postoffice address is \_\_\_\_\_, and that he (or she) hath obtained this certificate according to law on the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

Teste: \_\_\_\_\_,

Secretary of the Commonwealth of Virginia.

(b) A number plate must also be delivered to the applicant by the secretary of the Commonwealth, upon which the number assigned must be printed in Arabic numerals not less than four inches in height, followed by the letters Va. And this plate must always be in evidence upon the rear of the machine.

(c) The fee for the certificate and plate shall be two dollars (\$2.00), which amount shall be paid to the secretary of the Commonwealth.

(d) If the owner of a machine shall furnish satisfactory proof of the loss of his certificate of registration or number plate, then the secretary of the Commonwealth shall furnish another one or both, giving the same number as originally held, upon the payment of the fee designated in subsection (c) of this section.

3. Every machine operator in this State shall have displayed from one hour after sunset to one hour before sunrise at least one white light throwing a bright light at least one hundred feet in the direction in which the machine is going, and also shall exhibit on the rear of the machine one red light, which will effectually illumine the number tag on the rear.

4. Should the owner part with the machine or any interest in it in the year following the date of the certificate it shall be the duty of the purchaser to take out a new certificate in accordance with the provisions of this act; nor shall the number of any machine be changed during the life of the certificate, and there shall be only one number placed on each machine.

5. An operator of a machine shall not drive in the corporate limits of any city or town at a greater rate of speed than twelve (12) miles an hour. Outside of the corporate limits of any city or town a speed of fifteen miles an hour is permissible, except in going around curves, down sharp declines, or at the intersection of any cross roads, or over the crest of hills, or in passing other vehicles or riders on roadways, when a rate of speed that will tend to avoid danger must be observed.

6. It shall be the duty of the owner or the driver of every machine run upon any turnpike upon passing a toll gate to exhibit his certificate to the toll-gate keeper, who shall enter the name and address of the owner and the number of the machine, together with the hour and day of the passage through the gate of the machine, in a book kept for such purposes, which book shall be furnished all the toll-gate keepers by the several boards of supervisors. And it shall be the duty of the owner or driver of any machine to exhibit his certificate for inspection when so requested by the sheriff or any constable, policeman, or peace officer.

7. Of the two (\$2.00) dollars to be paid for the said certificate, fifty (50) cents shall be retained by the clerk for the issuance of such certificate and the balance shall be turned over to the treasurer of the county or city and placed to the credit of said county or city for the purpose of reimbursing said county or city for the expenses entailed by this act.

8. The following rate of speed may be maintained, but shall not be exceeded on any of the highways set forth in section one of any city, town, or village, or county in this State by any one driving a machine.

(a) A speed of eight miles an hour around curves or bends or where the roadway is not plainly visible for a distance of two hundred feet ahead, and at the intersection of prominent cross roads when such road or highway passes through the open country.

(b) A speed of eight miles per hour where a street or highway passes the built-up portions of a city, town, or village.

(c) A speed of eight miles an hour at points on any public highway when there is a gathering of horses or persons. Otherwise the rate of speed may be fifteen miles per hour, but not more, and this rate is subject to the conditions set forth in the succeeding sections of this act.

9. The owner, operator, conductor, driver, or occupant of any such machine shall keep a careful look ahead for the approach of horseback riders or vehicles drawn by horses or other animals, and upon the approach of such riders or vehicles shall slow up, keep his machine under thorough and careful control, give ample roadway to such rider or vehicle, and if signalled by such rider or occupant of such vehicle, or be otherwise requested thereto, shall immediately bring his vehicle to a full stop and allow ample room and time to allow such rider or vehicle to pass. And if requested so to do by the said rider or the occupant of said vehicle, the owner, operator, conductor, driver, or occupant, if a male, of any such machine, shall lead the horse or horses past his machine. Should any horse ridden or driven in an opposite direction to that which the machine is travelling, give evidence of fright, then the duty of the driver

shall be the same as if he had been signalled to by the rider of the horse or the occupant of the vehicle.

10. When the operator, owner, occupant, conductor, or driver of such machine overtakes a horse or vehicle travelling in the same direction with himself he shall slow down his speed, signal for the road by bell or gong or horn, and if the horse or other vehicle stop, shall pass at a rate of speed not greater than four miles per hour. Should such vehicle or ridden horse not stop and the said operator, owner, driver, conductor, or occupant of said machine desire to pass he shall do so at a rate of speed not greater than may be necessary, and shall in all cases use due diligence and care not to frighten the horse or horses. In case of a machine passing a horse or vehicle going in the same direction the provisions of section nine of this act shall apply to the operator, owner, driver, occupant, or conductor of the machine, except that in such case the horse or horses shall be held until the horse or horses become quiet, and then the machine may proceed.

Every machine shall be provided with a lock, key, or other device to prevent its being set in motion, and no person shall allow any such machine operated by him to stand or remain unattended in any street, avenue, road, alley, highway, park, parkway, or any other public place, without first locking or making fast the machine as above provided. Every machine shall be provided with a good and sufficient brake or brakes, and shall also be provided with a suitable bell, horn, or other signal device.

11. Any person failing to perform any duty imposed by any section of this act or violating any provision or condition herein set forth shall for each offense be fined not less than ten dollars or more than one hundred dollars or imprisoned in jail not less than five nor more than thirty days, or both, in the discretion of the justice of the peace before whom the case may be tried. An appeal may be taken to the circuit court of the county or the corporation or hustings court of the city, in accordance with the general law governing appeals in misdemeanor cases.

12. In addition to such fine or imprisonment any person violating any of the provisions of this act shall be liable for any damages actually incurred by reason of such violation and the machine may be seized and impounded anywhere in any county or city of this State upon the order of a justice of said county or city in which the offense is committed and may, by order of the justice, be sold to pay such fine or damage. But before any judgment shall be entered in said proceeding the owner of such machine shall have notice of the same by publication or otherwise, according to law and allowed an opportunity to make defense, and the driver of the machine shall be deemed an agent of the owner for the purpose of serving process.

13. In case when any such machine shall be impounded as provided in the preceding section and judgment be against the owner, the sheriff, constable, or sergeant, as the case may be, shall fix upon a time and place for the sale thereof, and post notices of the same for at least ten days before the day of the sale, at three or more public places in his county or corporation, and shall publish notice of sale in some newspaper published in

the county or city for two consecutive weeks. At the time and place so appointed such officer shall sell to the highest bidder for cash the said machine; and the surplus, if any there be after deducting the amount of fine, cost, and damage, shall be paid to the owner of the machine.

14. This act shall apply to all counties in this State whose board of supervisors shall, by a recorded vote, adopt the same and to none other, and upon such adoption this act as to such county shall become immediately operative, and it shall so apply to all incorporated cities whose council shall adopt the same, and to none other.

15. Nothing in this act shall apply to the machines known as traction engines, or to any locomotive engine or electric car running on rails or motor bicycles. Nor shall it apply to any incorporated city or town which now or shall hereafter have ordinances governing the operation of machines within their corporate limits, unless the council of such city or town shall adopt this act in accordance with the provisions of section twenty; and nothing contained in this act shall affect the right of any person injured in his person or property by the negligent operation of any machines to sue and recover damages as heretofore.

16. Every board of supervisors or council adopting this act shall at once notify the secretary of the Commonwealth, who shall keep a record of the counties or cities so adopting, open to public inspection.

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CHAP. 300.—An ACT to amend and re-enact section 27 of an act entitled "an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution," approved April 16, 1903.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section twenty-seven of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, be amended and re-enacted so as to read as follows:

§27. Every railway and canal corporation of this State not exempted from taxation by virtue of its charter, and every railway and canal corporation incorporated under the laws of any other State doing business in this State shall report annually, on or before the first day of September to the State corporation commission all of its real and personal property of every description, as of the thirtieth day of June preceding, showing particularly in what county or corporation the principal office or agency of such corporation is located in this State, and in what county or corporation such property is located, and also showing what part of such property is located in each school district of such county, and classifying the same under the following heads:

First. Roadway and track or canal bed.

Second. Depots, depot grounds and lots, station buildings and fixtures, and machine shops.



Third. Real estate not included in other classes.

Fourth. Rolling stock, including passenger, freight, cattle or stock, baggage, mail, express, sleeping, palace, and all other cars owned by or belonging to the corporation, boats, machinery, depot, and office furniture and equipments, houses and appurtenances occupied by lock gate keepers and other employees: provided, that foreign railway and canal corporations doing business in this State shall report and be assessed on the average amount of rolling stock habitually used by them in this State.

Fifth. Stores.

Sixth. Telegraph lines.

Seventh. Stock, bonds, and other evidences of debt of other corporations and individuals and firms held by such company.

Eighth. Stocks, bonds, and other evidences of debt of any person or corporation belonging to any such company, chartered in this State, in excess of its indebtedness, whether the same be held in trust or otherwise by some other person, firm, or corporation, within or without this State, which for the purpose of this act, shall be considered to be located at the principal office of such company in this State.

Ninth. All other personal property of such company not enumerated in either of the foregoing heads, which would be taxable under this act if the same belonged to an individual.

Every such corporation shall also report on or before first day of September of each year, the gross transportation receipts of the railway or canal for the twelve months preceding the thirtieth day of June of each year, and in all cases the report shall be so made as to give the data on which the same is made. If such railway or canal is only in part within the Commonwealth, the report shall show what part is within the Commonwealth, and what proportion the same bears to the entire length of the road or canal, and shall apportion the said receipts accordingly. The report herein required shall be verified by the oath of the president or other proper officer. The State corporation commission shall after thirty days' notice previously given by it to the president, treasurer, or other proper officer of such corporation, proceed to ascertain the value of property, and the gross transportation receipts so reported, upon the best and most reliable information that can be procured, and to this end shall be authorized and empowered to send for persons and papers. The State corporation commission shall assess upon said property and gross transportation receipts the taxes imposed thereon by law.

A certified copy of the assessment, when made, shall be immediately forwarded by the clerk of the State corporation commission to the auditor of public accounts, and to the president or other proper officer of each railway and canal corporation so assessed, whose duty it shall be to pay into the treasury of the State, on or before the first day of December following, the taxes upon its property, and the franchise tax upon its gross transportation receipts as shown by said copy of the assessment.

The State corporation commission shall, at such time as it may elect, on or before the fifteenth day of October following, proceed to ascertain and assess the gross transportation receipts of any railway or canal corporation which has failed to make the report herein required, and shall also

assess the value of the property of any such corporation, except its franchise and non-taxable shares of stock issued by other corporations and owned by it, at a fair cash valuation upon the best and most reliable information that can be procured, and to this end shall be authorized and empowered to send for persons and papers, and said commission shall assess upon such gross transportation receipts and property the taxes imposed thereon by law. A certified copy of the assessment when made shall be immediately forwarded by the clerk of the State corporation commission to the auditor of public accounts and to the president or other proper officer of such railway or canal corporation so assessed, whose duty it shall be to pay into the treasury of the State within thirty days after receiving said certified copy of the assessment, the taxes upon its property and the franchise tax upon its gross transportation receipts, as shown by said copy of the assessment.

Such taxes so assessed, and a penalty in addition thereto of five per centum thereon, if the said taxes be not paid at the time provided herein, shall be collected by the treasurer of any county or city in which such corporation owns property, to whom the auditor may deliver a copy of the assessment. The treasurer may distrain and sell any personal property of such corporation, and shall pay the amount of said taxes and penalty into the treasury within one month from the time of delivery to him of the copy as aforesaid. The roadbed, depot, depot grounds, rolling stock, tools, oil, and other articles used in operating railroads owned by mining, lumber, and like companies which transport passengers or freight for other than such owners, shall be assessed by the State corporation commission in the mode prescribed by this act. All other property of such mining, lumber, and like companies shall be assessed by the commissioner of the revenue upon the land and personal property books of the counties and cities where located. Mining, lumber, and like companies operating railroads to transport passengers or freight for others, shall be construed as in the provision of this section as to all of their property, except their real estate, not used as a part of their roadbed or for depot purposes, which shall be assessed by the commissioner of the revenue in the district or city wherein situated.

It shall be the duty of the State corporation commission to prepare and furnish to the several corporations required to make reports under this section forms for such reports, which said corporations shall use in making the reports required of them, and any such corporation which shall fail to make the report hereinbefore required, within the time herein prescribed, shall be liable to a fine of not less than one hundred dollars nor more than two hundred and fifty dollars for each day such corporation may be in default in making such report. The said fine to be imposed and judgment entered therefor by the State corporation commission after thirty days' notice to any such defaulting corporation to appear before the said commission and show cause, if any, against the imposition of such fine, subject to appeal to the supreme court of appeals. It shall be the duty of the clerk of the State corporation commission to furnish to the council of every city and town and to the board of supervisors of every county, and to the treasurer of every county and city,

wherein any property belonging to such corporation is situated, a certified copy of the assessment made by the State corporation commission of such corporation's property, which shall definitely show the character of the property, its value, and location for purposes of taxation in each county, city, town, and school district, so that county, city, town, and school district levies may be laid upon the same: provided, however, that it shall be the duty of the county superintendent of schools in each county in which a railway or canal is located and operated to furnish on or before the first day of July in each year to such railway or canal corporation or corporations, the boundaries of each school district of said county in which any part of such railway or canal, and its property is situated, and a copy of such boundaries to the clerk of the State corporation commission. Whenever any county superintendent of schools shall fail to furnish to such railway or canal corporation or corporations and the clerk of the State corporation commission, the boundaries of each school district of said county in which any part of such railway or canal and its property is situated, it shall be the duty of the clerk of the State corporation commission to notify the judge of the circuit court of the county wherein such superintendent of schools resides, who shall instruct the grand jury at the next term of the circuit court to ascertain whether such boundaries have been furnished as required in this act, and should said grand jury ascertain that such boundaries have not been furnished, they shall find an indictment against such county superintendent of schools, who shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each school district so omitted.

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CHAP. 301.—AN ACT to require common carriers doing business in this State to receive and receipt for all freights delivered to them, and to provide a penalty for neglect or refusal therefor.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of each and every common carrier doing business in this State to receive and receipt for all freight delivered for transmission at any of their freight receiving depots, when delivered ready for shipment, during the business hours established at such depots: provided, that this act shall not apply to live stock, lumber, perishable freight, or to such freight as requires special cars for shipment.

2. For failure to comply with section one of this act every common carrier shall be subject to a fine not less than ten nor more than twenty-five dollars. Each and every refusal to constitute a separate offense.

**CHAP. 302.**—An ACT prohibiting expectorating or spitting in public places, buildings, theatres, steamboats, railways, and street cars, and other public conveyances, and requiring a sufficient number of spittoons or cuspidors to be provided in smoking compartments and smoking cars when so requested, and also requiring the posting of copies of this act.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That no person shall spit, expectorate, or deposit any sputum, saliva, mucus, or any form of saliva or sputum upon the floor, stairways, or upon any part of any theatre, public hall, or building, or upon the floor or any part of any railroad car or street car or steamboat, or upon the floor or any part of any car of interurban or suburban railway, or of any other public conveyance in the State of Virginia, or upon any sidewalk abutting on any public street, alley or lane of any town or city in the State of Virginia; and it is hereby made the duty of the owner or lessee of every theatre, public hall, or building in the State of Virginia to provide every such theatre, public hall, or building with a sufficient number of spittoons or cuspidors.

2. It is further provided, That every railroad or steamboat company shall provide in each smoking compartment or smoking car, when so requested, as many cuspidors or spittoons as may be necessary for the convenience of passengers.

3. Any person violating any provision of this law shall, upon conviction, be fined in a sum not less than one nor more than five dollars, together with the costs of the prosecution, and in default of payment, be imprisoned in the city or county jail for not more than five days.

4. It is further provided that printed copies of this act shall be posted conspicuously in all public places, buildings, theatres, railway, and street cars.

**CHAP. 303.**—An ACT to amend and re-enact an act approved March 7, 1904, entitled "an act to amend and re-enact section 847 of the Code of Virginia," as amended by an act entitled "an act to amend and re-enact sections 826, 831, 832, 834, 835, 836, 838, 840, 841, 846, 847, 849, and 850," and to repeal section 839 of the Code, approved December 31, 1903.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That an act approved March seventh, nineteen hundred and four, entitled "an act to amend and re-enact section eight hundred and forty-seven of the Code of Virginia, as amended by an act entitled "an act to amend and re-enact sections eight hundred and twenty-six, eight hundred and thirty-one, eight hundred and thirty-two, eight hundred and thirty-three, eight hundred and thirty-four, eight hundred and thirty-five, eight hundred and thirty-six, eight hundred and thirty-eight, eight hundred and forty, eight hundred and forty-one, eight hundred and forty-six, eight hundred and forty-seven, eight hundred and forty-nine, and eight hundred and fifty,

and to repeal section eight hundred and thirty-nine of the Code," approved December thirty-first, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§847. Statement of receipts and expenditures to be posted or published.—The board of supervisors shall cause to be made out immediately after the adjournment of each regular semi-annual meeting a statement showing the aggregate amount of the receipts and itemized disbursements of the six months next preceding in the form following herein below; and after the last annual meeting the board of supervisors shall cause to be made out also an estimate showing the aggregate amount required for the next succeeding year to the officers of the county and for incidental and necessary expenses of the county, which estimate shall be in form substantially as follows, so far as applicable to such estimate:

*Official Allowances.*

County's proportion of salary of circuit judge .....	\$.....
Sheriff .....	\$.....
County clerk .....	\$.....
Commonwealth's attorney .....	\$.....
Treasurer .....	\$.....
Members of the board of supervisors .....	\$.....
Clerk of board of supervisors .....	\$.....
<b>Total</b> .....	<b>\$.....</b>

*Roads.*

New roads opened (by districts):

Name of landowner and name of road and amount damages paid each .....	\$.....
Name of person to whom and amount paid each for opening road .....	\$.....

Note.—If the road is opened by contract the name of contractor must be given; if by a superintendent or commissioner, the name must be given.

Work on roads (by districts) .....	\$.....
Machinery purchased (name of machine and from whom purchased) .....	\$.....
Amount paid to manager or superintendent of road crew or crews .....	\$.....

Note.—Name of manager or superintendent, with the amount paid to each, if more than one.

Amount paid for team .....	\$.....
Amount paid for feeding team .....	\$.....

**Total** ..... **\$.....**

*Bridges.*

Building new bridges: Name of bridge built to be given, and if built by contract, name of contractor; or, if not, under whose supervision it was built.....	\$.....
Repairs to bridges:	
Name of bridge and by whom repaired, and whether by contractor or not.....	\$.....
Keepers of bridges:	
A., keeper of.....bridge.....	\$.....
B., keeper of C. ....bridge.....	\$.....
Total .....	\$.....

*Poor.*

Superintendent of the poor.....	\$.....
Overseers of the poor (by districts):	
A. Name of paupers and the amount paid each.....	\$.....
Board and supplies for paupers in almshouse.....	\$.....
Total .....	\$.....

*Courthouse and Clerk's Office.*

Stationery, including all record books.....	\$.....
Light, fuel, repairs, janitors, and grounds.....	\$.....
Total .....	\$.....

*Jail.*

Light, fuel, repairs, and supplies for prisoners.....	\$.....
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*Elections.*

Judges, clerks, and commissioners.....	\$.....
Registrars .....	\$.....
Allowance to electoral board.....	\$.....
Printing ballots, preparing list of poll taxes paid, copying, printing, posting, making booths, room rent, and all election expenses not specifically set out above.....	\$.....
Total .....	\$.....

*General or Incidental Expenses.*

Juries (civil or coroners) .....	\$.....
Coroner's inquests .....	\$.....
Commissioners of lunacy .....	\$.....
Stock killed by dogs.....	\$.....

*Schools.*

Amount to treasurer (by districts) .....\$.....

*County Levy.*

From capitation .....	\$.....
Personal property .....	\$.....
Real estate .....	\$.....
Dog tax .....	\$.....
Railroad, telegraph, and telephone companies.....	\$.....
<b>Total .....</b>	<b>\$.....</b>

A copy of such statement shall be posted at the front door of the courthouse and at each of the voting places in the county, and published in one or more newspapers of the county or adjoining county or city.

It shall be the duty of the judge of the circuit court, at the term of the said court next succeeding the two annual meetings of the board of supervisors, to instruct the grand jury to ascertain if the statements herein required to be published have been published according to law, and if the grand jury shall ascertain that said statements have not been published, then indictments shall be found against each of the several members of the board of supervisors, and on conviction they shall be deemed guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than one hundred dollars.

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CHAP. 304.—An ACT empowering the special board of directors of the eastern State hospital at Williamsburg to sell certain lots now owned by said hospital, and reinvest the money in arable land.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That the special board of directors of the eastern State hospital at Williamsburg, Virginia, are hereby authorized and empowered, if they deem it expedient, to sell two lots in the city of Williamsburg, now owned by the eastern State hospital, known as Henry street lot, fronting ninety-seven feet on Henry street, and running back two hundred and seven feet; and a lot known as Bright lot, fronting four hundred and eighty-seven feet on England street, and running back four hundred and forty feet on Frances street; and execute good and sufficient deeds conveying said lots to the purchasers, and the special board of directors are hereby directed, that in event of a sale, to reinvest the purchase money in some good arable lands suitable for farm purposes, located near the city of Williamsburg.

CHAP. 305.—An ACT to amend and re-enact sections 69 and 70 of chapter 148 of the acts of 1902-'03-'04, entitled "an act to raise revenue for the support of the government and public free schools, and to pay interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution," approved April 16, 1903, as amended by an act approved December 18, 1903.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section sixty-nine of chapter one hundred and forty-eight of the acts of nineteen hundred and two, three, and four, entitled "an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution," approved April sixteenth, nineteen hundred and three, as amended by an act approved December eighteenth, nineteen hundred and three, and section seventy of said chapter one hundred and forty-eight of the acts of nineteen hundred and two, three, and four, be amended and re-enacted so as to read as follows:

§69. No keeper of a shop, for the purpose herein mentioned, or master of a vessel, or other person shall without a license authorized by law, purchase, sell, barter, or exchange any kind of second hand articles, junk, rags, bones, bottles, puer, scrap, metals, iron, paper, old lead pipe, old bath-room fixtures, or other like commodities, except furniture, clothes, shoes, and stoves intended to be resold for use as such. The hustings or corporation court of any city, and the circuit court of any county, may grant a license to any citizen of the United States, who shall produce to it satisfactory evidence of his good character to carry on the business of a junk dealer; which license shall designate the building in which said person shall exercise or carry on said business; and no person shall exercise or carry on the business of a junk dealer without being duly licensed, nor in any other building than the one designated in said license, except by the consent of the court which granted the license, under the penalty of fifty dollars for each day he shall exercise or carry on said business without such license, or in any other building than the one so designated, except by the consent of the court aforesaid. The place at which such business may be conducted shall be kept open for the purchase or sale of any of the articles mentioned aforesaid. Nor shall any purchase be made by such person, or by any other person or persons for him, except between the hours of sunrise and sunset; and such place of business shall be open at all times to the inspection of any revenue or police officer of the county or corporation wherein the license issued. Every person receiving such license shall place over the principal entrance of his place of business a sign designating that he is a licensed junk dealer. No person shall canvass for the purpose of buying any junk or other like commodity enumerated above in this section, for any such junk dealer, or for sale to such junk dealer, or to any other person unless such person be authorized so to do, in writing, by some junk dealer licensed under this section. Every such junk dealer, desiring to



appoint such canvassers, shall take out a license for such number as he shall wish to appoint. Such canvasser's license shall be issued in the name of the dealer applying therefor, and shall state the number and names of the persons such dealer shall be entitled to appoint. And no dealer shall at any time appoint a greater number of canvassers than is named in his license; but he may at any time appoint additional canvassers upon first obtaining an additional license therefor. Canvassers so appointed shall be permitted to canvass anywhere in this State. Any person violating the provisions of this section shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offense. Nothing contained in this section shall be construed or operate to prevent any person, firm, or corporation keeping or operating a foundry from exchanging his new castings for old ones, or from buying any old metals or old machines for use in his business, or to be renovated and sold; but nothing herein contained shall authorize any foundryman to buy any old metals or old machines, and sell them again in the same condition as they were when purchased. Nothing in this section shall be construed to prevent any regular licensed merchant in the country, or in towns having a population of two thousand or less, from buying or trading for rags, old iron, or other articles of junk, unless there be a regularly licensed junk dealer within three miles of his place of business, such merchant to be subject at all times to the same conditions of inspection as a regular junk dealer. Every junk dealer and every merchant and foundryman who deals in junk, old metals, etcetera, shall keep at his place of business a book, in which shall be fairly written in English, at the time of each transaction in the course of his business, an accurate account of such transaction, as to the purchase of rags, bones, old iron, and paper, setting forth a description of the goods, article, or any thing purchased, the time of receiving the same, the name and residence of the person selling or delivering the same, the terms and conditions of purchase or receipt thereof, and all other facts and circumstances respecting such purchase or receipt. Which said book or books shall, at all times, be subject to the inspection of the judges of the criminal courts, the chief of police, the captains and sergeants of the police of the city, town, or county wherein such business is being conducted, or any or either of them, sergeant and sheriff of such city, town, or county, or other officer with police jurisdiction: provided, however, that this section shall not apply to articles bought without the State of Virginia. It shall be the duty of every junk dealer, every such merchant and foundryman, to admit to his premises at any time any officer mentioned above, to examine any book or other record on the premises, as well as the articles purchased or received; and to search for and take into possession any article known by him to be missing, or known or believed by him to be stolen, without the formality of search warrant or any other process, which search or seizure is hereby authorized. Every junk dealer shall be liable to all the penalties herein provided for violation of any of the provisions of this section, whether such violation be committed by himself or by his agent, clerk, or employee.

§70. Every junk dealer shall pay for the privilege of transacting business the sum of fifty dollars, and for the privilege of appointing can-

vassers, for the purpose of buying any junk or other matter or things for any such junk dealer, or for sale to a junk dealer, the sum of twenty-five dollars for each canvasser appointed and licensed.

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CHAP. 306.—An ACT to authorize the board of supervisors of Princess Anne county to donate the sum of \$300 for the completion of payment of contract for the erection of Confederate monument at Princess Anne Courthouse.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Princess Anne county be, and are hereby, authorized to donate the sum of three hundred dollars out of the county treasury to complete the payment of the contract for the erection of the Confederate monument at Princess Anne courthouse, November fifteen, nineteen hundred and five.

2. The debt being now due, thereby creating an emergency, this act shall be in force from its passage.

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CHAP. 307.—An ACT to make the superintendent of public instruction ex-officio a member of the board of visitors of the university of Virginia.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That the superintendent of public instruction for the State shall be ex-officio a member of the board of visitors of the university of Virginia. He shall constitute a member of such board in addition to the nine other members thereof, which the governor of Virginia is authorized to appoint by and with the advice of the senate in pursuance of section fifteen hundred and forty-two of the Code of Virginia, so as to make the number of members of the said board ten in place of nine; and he shall have all powers, duties, and responsibilities that are vested in and imposed upon the other members of the board by the said Code of Virginia.

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CHAP. 308.—An ACT upon the subject of county roads, causeways, and bridges, etc., and providing for the further division of counties into road sub-districts; for additional road tax therein; for election and appointment of officers of same, providing for their terms of office, powers, duties, etc., and duties of the State engineer in connection with the carrying into effect of this act.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, as follows:

2. The board of supervisors of each county throughout the State, which has not a special road law in force therein, may divide their respective counties into road subdistricts, by specified boundaries so locating such

boundaries as to place the residence and property of those persons who chiefly use the public roads of each road subdistrict, and are especially interested therein, as far as practicable, within such road subdistricts, respectively, and having in view also so dividing all the public roads of each county as to place upon tax payers of each road subdistrict their fair proportion of such roads on the basis of the comparative expense of maintenance of same, so that no less than ten nor more than thirty miles of public roads shall be contained in any one subdistrict. These areas shall be called road subdistricts; they shall be numbered with cardinal numbers, and their boundaries and number may be changed from time to time at the discretion of the board of supervisors. A full record of such road subdistricting shall be kept on the journal of the board of supervisors.

3. After the laying off of the road subdistricts, each member of the board of supervisors, respectively, shall, after fifteen days' notice, posted at every postoffice in the road subdistricts, respectively, located in the portion of the county represented by such supervisor, appoint and call in the month of July or August a meeting of all persons having a right to vote at all such road subdistrict meetings, respectively, such meetings to be held at some convenient place in each such road subdistrict, for the adoption of by-laws; for election of a chairman, secretary, treasurer, and one or more road surveyors for such road subdistricts, respectively, and for such other purposes as may be lawfully acted upon by such meetings.

4. At such meetings, and all subsequent road subdistrict meetings hereinafter provided for, all male persons qualified to vote for members of the general assembly of Virginia residing in such road subdistrict shall be entitled to vote upon all questions concerning such subdistrict road affairs; and any person entitled to vote at any such meeting may be chosen thereby as a road surveyor of such road subdistrict.

5. It shall be the duty of said member of the board of supervisors representing that portion of the county in which such road subdistrict is located, to furnish the meeting in question with a copy of this act (the same to be furnished to him by the secretary of the Commonwealth), and such act shall either be read to the meeting or the substance thereof explained by the chairman. This being done the secretary shall make a list of all persons present entitled to vote. If it be ascertained that less than one-fourth of the persons of the road subdistrict entitled to vote are present, the meeting shall be adjourned from time to time until at least one-fourth in number of such persons are in attendance. Such attendance of one-fourth in number of such persons shall be necessary for the transaction of business in this organization meeting and in all subsequent meetings hereinafter provided for.

6. When it shall be ascertained that the meeting is lawfully constituted to transact business it shall then proceed to adopt by-laws to define and provide for the manner of calling future road subdistrict meetings, annual and special; what person shall preside over same; the proceedings thereat; the method of voting; except that all voting at this and at all subsequent meetings shall be by written ballots; the duties of the chairman, secretary, treasurer, and road surveyor of such road subdistrict; and for the

government of other matters pertaining to the welfare of the roads and bridges of the road subdistrict not contrary to law. The by-laws may be changed or added to at any lawful meeting of the road subdistrict, annual or special.

7. The officers of each road subdistrict shall be a chairman, secretary, treasurer, and one or more road surveyors, who shall hold their offices for one year and until their successors are chosen and shall qualify. Before entering upon their terms of office such officers shall take the oath prescribed by section eight hundred and twelve of the Code of Virginia, and shall give such bonds in the penalty and with such surety as may be prescribed by the by-laws aforesaid: provided, that the treasurer shall give bond of the form prescribed by law for county treasurers in the penalty of double the total amount of the subdistrict road tax tickets that shall be placed in his hands for the current year, with a solvent surety company, doing business in this State as surety. The compensation of such officers, respectively, so far as same is to be paid out of the subdistrict road funds, shall be provided for by each road subdistrict in annual meeting.

8. The first election of said officers shall be at said organization meeting and subsequent elections of same shall be at annual road subdistrict meetings. Vacancies occurring between annual meetings shall be filled by the remaining officers of such subdistrict until the next annual meeting. Should the said officers or any of them not be elected or appointed as above provided, the board of supervisors of the county, after thirty days' vacancy of such offices, or any of them, shall fill same by appointment, and appointments thus made shall be valid until the next annual road subdistrict meeting.

9. It shall be the duty of the secretary of each subdistrict to keep a record in a book preserved for the purpose, of all proceedings of such subdistrict meetings, and of all warrants issued by such subdistrict, showing the dates, to whom, for what, and amounts of all such warrants, and such secretary shall report to the clerk of the board of supervisors, within ten days after every subdistrict meeting all action taken by such meetings.

10. Special road subdistrict meetings may be called at any time by the chairman thereof, or, on application in writing of five persons entitled to vote at such meetings, as above provided, such chairman shall call such meeting.

11. The annual road subdistrict meetings, subsequent to the organization meetings, shall be held during the month of July or August of each and every year, and other special meetings at such times as they may be called, as above provided. Annual and special meetings may be held at any place for which they are called within the road subdistrict, and may be adjourned from time to time to any place within such subdistrict, and at all such meetings a majority vote of those entitled to vote as above provided, shall be decisive of all questions voted upon thereat.

12. If the chairman of the road subdistrict unreasonably refuse to call a road subdistrict meeting, a justice of the peace of the district in which such subdistrict is located, upon application of five or more persons of

such subdistrict entitled to vote at the meetings thereof as above provided, may call such meeting, annual or special, by a warrant, under his hand, directed to any constable of the district, if any, otherwise to any person applying therefor, directing same to summon the persons entitled to vote at such meeting as above provided, to assemble at the time and place and for the purpose expressed in the warrant.

13. The State engineer, or any agent of his, the member of the board of supervisors representing the district in which such meetings are held, and the superintendent of roads of the county or his deputy having charge of such district, shall be entitled to be present at any of said meetings and take part in the discussion of any and all questions and to give advice and instruction, but shall not be entitled to vote thereat by virtue of this section.

14. Said organization meetings and said annual meetings thereafter, respectively, may by a majority vote (which shall also include a majority of the freeholders of such subdistrict), make, grant, and vote in favor of a special levy for the ensuing year as a subdistrict road tax, of such an amount as they may deem necessary, not exceeding fifty cents on the one hundred dollars of taxable values in such subdistrict, upon which the levy thereof shall be made as hereinafter provided, in addition to the other road taxation otherwise provided for by law, for the further maintenance of the roads and bridges of such subdistrict, including the compensation of the officers of such subdistrict, if any, and all other necessary charges affecting such roads and bridges, not otherwise borne and paid for by the other road funds and road authorities provided for by law; and the result of such vote, showing the total number of freeholders in such subdistrict, the number of freeholders voting for, the total number of all votes for and against such levy, and the amount voted for, shall be certified by the chairman and secretary of the meeting to the clerk of the board of supervisors of the county, who shall record same in a book to be kept in his office for the purpose. Thereupon, if the result of such vote be a majority in favor of such levy, and such majority shall include also a majority of the freeholders of such subdistrict, the secretary of said road subdistrict shall, in a book kept for the purpose, apportion and extend such levy against the owners of all property, real and personal, within such road subdistrict, and other subjects of taxation which should be taxed therein, as herein provided, which may be assessed against such owners and subjects of taxation upon the land and property books of the county for the current year, and at the valuation fixed by such books. Thereafter such secretary shall make off from such books, kept by him as aforesaid, tax tickets against the proper persons for such subdistrict road tax levy, and place them in the hands of the treasurer of such road subdistrict on or before November first of the current year; and such treasurer shall proceed to collect the same; and on all such tickets not paid by December first of the current year there shall be five per centum of the amount thereof added thereto. Such road subdistrict treasurers for the collection of such subdistrict road tax, shall have all the powers of distress and levy that may be given by law to county treasurers for the collection of other taxes; and each such tax

ticket which may not be paid in any year, shall be attached to the tax ticket rendered against the same person for the succeeding year or years, until paid; no statute of limitations shall apply to the same, and the subdistrict treasurer shall have the same powers from year to year with respect to the collection of all such uncollected tax tickets as he may have with respect to tax tickets for the current year; and such respective subdistrict road funds shall be paid out by the subdistrict treasurer thereof upon warrants signed by the chairman and countersigned by the secretary of such subdistrict board of the form hereinafter prescribed; and reports shall be made by such treasurer, annually, to the subdistrict annual meeting, and settlement shall be made by such treasurer, annually, preceding such annual meeting, with the road subdistrict board, with respect to such road subdistrict funds, and the result of such settlement shall be promptly certified to the clerk of the board of supervisors of the county, who shall record same in a book to be kept in his office for the purpose. Every road subdistrict treasurer on going out of office shall deliver to his successor all uncollected tax tickets, books, and papers belonging to his office, and all money belonging to his road subdistrict fund; and such successor shall have the same powers with respect to the collection of all such uncollected tax tickets as he may have with respect to tax tickets for the current year. For every branch of any condition of the bond of every road subdistrict treasurer, action shall be brought at the relation of his successor, and such successor shall institute same promptly on coming into such office, for the benefit of the road subdistrict, before a justice of the peace, if for a sum not exceeding one hundred dollars, and if for a sum exceeding that amount, then in the circuit court of the county, or the same may be recovered by motion in said court, after five days' notice. Upon any judgment rendered in such suit or motion a writ of fieri facias may issue, which shall conform in all respects to writs of fieri facias issued under chapter thirty of the Code of Virginia, one thousand nine hundred and four, and be proceeded with in the same manner.

15. The road surveyor, or surveyors, of each road subdistrict shall keep the public roads in his subdistrict well trimmed, clear of shade, clear of loose rock, overhanging trees, from gates unlawfully kept up, from all other unlawful obstructions and secure from falling or dead timber; shall keep open proper drains and turn the water from the road as much as practicable; and shall do such other work upon the public roads and bridges in his subdistrict as he shall be directed to do by the board of supervisors of his county, and the subdistrict road meetings, annual or special, of his subdistrict, and in accordance with the plans and specifications, if any, which may have been made for the working and keeping in repair the roads and bridges of such subdistrict, by the State engineer, and the board of supervisors of the county or other authorities, as may be provided by law, either under contract or by force account, as may be determined by such meetings, with respect to work to be paid for by the road subdistrict and as may be determined by the board of supervisors with respect to work to be paid for by the county and district road fund; the work directed to be done by the board of supervisors to be paid for by the county and district road fund, and the work directed to be done by the

road subdistrict meeting to be paid for by the road fund of the latter; and, to the end of making and keeping all of such roads, which are of clay or soil other than sand, higher in the centre than on each side and smooth, such road surveyor shall either by contract or by force account, as may be determined by the board of supervisors, to be paid for by the county and district road fund, drag all of the roads assigned to him, which are of clay or soil other than sand, immediately after a thaw and heavy rains, not less than an average of once per month, with a two-horse team and a drag, or rut scraper, to be made and operated in accordance with plans and specifications which will be furnished him on application (which he shall make) to the State engineer.

16. The chairman and secretary of each road subdistrict and the road surveyor thereof shall have the following duties and powers, respectively:

1a. The chairman shall call annual and special road district meetings of his road district as provided by the by-laws thereof and by law.

2a. The chairman and secretary shall examine all claims against their road subdistrict, and when approved pay the same by warrants drawn on the subdistrict treasurer; signed by the chairman and countersigned by the secretary, payable to the person entitled to recover such money and stating on its face the purpose or service for which it is paid. And they, and the surveyors of roads, or either of them, requested so to do, shall report any matter required by the State engineer and the board of supervisors of their county, and perform such other duties as may be prescribed by their road subdistrict meetings, the board of supervisors of their county, and which may be imposed by law.

17. This act is intended as supplementary to the existing general road laws, and such other general road laws as may be hereafter enacted, and shall be interpreted so as to operate in harmony therewith, and it shall be the duty of the State engineer to make such rules and regulations, not inconsistent with this act, as may be necessary to carry into effect the provisions thereof.

18. It shall be the duty of the State engineer to cause to be made plans and specifications of inexpensive drags or rut scrapers to consist of the two parts of a split log of timber, suitably fastened together so as to be parallel to each other a suitable distance apart; or of oak plank four inches thick and ten inches wide, faced with a cutting edge of steel or iron and bevelled at the back with a heavy stick of timber fastened to back of such plank by means of chains about thirty inches in length; or two pieces of railroad iron fastened by iron rods; or of other suitable material and construction, and with specifications as to operation of same so that the drag, or rut scraper, will not be drawn over the roads at right angles thereto, but at an angle of thirty to forty-five degrees, and such State engineer shall have printed a sufficient number of such plans and specifications and furnish each road surveyor elected or appointed under this act with a copy thereof.

19. Any member of any board of supervisors, treasurer, clerk, State engineer, road surveyor, chairman, treasurer, or clerk of any road subdistrict failing or refusing to comply with any provision of this act, shall upon conviction be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one thousand dollars.

CHAP. 309.—An ACT to provide for the appointment of an auditing committee and to appropriate money to pay the expenses of same.

Approved March 17, 1906.

Whereas section sixty-eight of the Constitution of Virginia makes it mandatory that the general assembly shall, at each regular session, appoint a standing committee consisting of two members of the senate and three members of the house of delegates, which shall be known as the auditing committee; therefore,

1. Be it enacted by the general assembly of Virginia, That at each regular session of the general assembly the president of the senate shall appoint two members of the senate and the speaker of the house of delegates shall appoint three members of the house of delegates, who, together, shall constitute an auditing committee, whose duty it shall be to examine annually, or oftener, in its discretion, the books and accounts of the first auditor, the State treasurer, the secretary of the Commonwealth, and other executive officers at the seat of government, whose duties pertain to auditing or accounting for the State revenue, and to report the result of its investigations to the governor, and to cause the same to be published in two newspapers of general circulation in the State.

The committee may sit during the recess of the general assembly, and may adjourn from time to time until its work is completed. Each member of the committee shall receive the same pay per day that a member of the general assembly receives, except that he shall be paid only for the actual number of days on which he is employed in attending the committee meetings, or is doing work authorized by the committee.

Members shall be allowed their actual necessary expenses in attending meetings of the committee. The committee shall have power to employ one or more expert accountants to assist in its investigations.

The sum of two thousand dollars, or as much thereof as may be necessary, is hereby appropriated out of the funds of the State not otherwise appropriated to pay the expenses of the aforesaid auditing committee.

An emergency existing, in that this committee shall be appointed during the present session of the general assembly, therefore this act shall take effect from its passage.

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CHAP. 310.—An ACT to amend and re-enact section 5 of chapter 8 of an act concerning public service corporations, approved January 18, 1904.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section five of chapter eight of an act concerning public service corporations, approved January eighteenth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§5. Receipt and transmission of dispatches.—It shall be the duty of every telegraph company doing business in this State to receive and transmit dispatches from and for other telegraph or telephone companies or



lines, and from and for any person, upon the payment of the usual charges therefor, if such payment is demanded; to transmit the same faithfully, impartially, with substantial accuracy, as promptly as practicable, and in the order of delivery to the said company. For every failure to transmit a dispatch and for every failure to transmit a dispatch faithfully, impartially, or with substantial accuracy, and for every failure to transmit a dispatch as promptly as practicable, or in the order of its delivery to the company, the company shall forfeit the sum of one hundred dollars to the person sending or offering to send such dispatch, or to the person to whom it was addressed: provided, however, that not more than one recovery shall be had on one dispatch, and the recovery by one party entitled thereto shall be a bar to the recovery of the other party. But nothing herein shall prevent any such company from giving preference to dispatches on official business from or to officers of the United States or the State of Virginia, or from making arrangements with proprietors or publishers of newspapers for the transmission to them for publication of intelligence of general and public interest out of its regular order.

2. It shall be the duty of every telephone company doing the business of transmitting and receiving messages for compensation in this State to receive dispatches and messages from and for other telephone or telegraph companies or lines doing the business of receiving and transmitting messages for compensation, and from and for any person; and upon the payment of the established charges therefor, if demanded, to transmit the same faithfully and impartially, and as promptly as practicable, and in the order of delivery to the said company. For every failure to transmit a dispatch or message faithfully and impartially, and for every failure to transmit a dispatch or message as promptly as practicable, or in the order of its delivery to the company, the company shall forfeit the sum of one hundred dollars to the person sending or wishing to send such dispatch or message: provided, however, not more than one recovery shall be had on one dispatch or message, and the recovery by one party entitled thereto shall be a bar to the recovery of the other party. But nothing herein shall prevent any such company from giving preference to dispatches or messages on official business from or to officers of the United States or the State of Virginia, or from making arrangements with proprietors or publishers of newspapers for the transmission to them for publication of intelligence of general and public interest out of its regular order.

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CHAP. 311.—An ACT to appropriate money to furnish the office of the secretary of the Commonwealth.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That the sum of forty-six hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise

appropriated to furnish the offices of the secretary of the Commonwealth with metal file cases, book cases, and other necessary and suitable furniture and appliances.

2. The said furniture shall be purchased by the secretary of the Commonwealth on contracts to be approved by the governor and payment therefor shall be made by warrant of the auditor of public accounts on the State treasurer, which warrants shall be issued by the said auditor on the order of the secretary of the Commonwealth, approved by the governor, which order shall be accompanied by itemized account of articles to be paid for.

3. The furniture to be purchased under this act shall be neat, substantial, and in keeping with the other furnishings in the capitol building.

4. The old furniture in the office of the secretary of the Commonwealth, or such thereof as is not retained, shall be sold by the said secretary and the proceeds thereof used in the purchase of new furniture.

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CHAP. 312.—An ACT to amend section 12 of the charter of the town of Windsor, Virginia.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section twelve of the acts of the assembly of Virginia, session of nineteen hundred and one and nineteen hundred and two, chapter two hundred and thirty-seven, be hereby amended and re-enacted so as to read as follows:

§12. The council is hereby authorized to lay, collect, and apply a general levy not exceeding thirty cents on each hundred dollars' worth of property at its assessed value. The said council may also levy and collect a capitation tax not exceeding fifty cents per capita.

2. All acts or parts of acts in conflict herewith are hereby repealed.

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CHAP. 313.—An ACT to authorize the mayor and council of the city of Williamsburg, in the county of James City, Virginia, to dispose of the jail lot with the buildings thereon in said city, and to pass title to same.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That the mayor and council of the city of Williamsburg be, and they are hereby, authorized and empowered to make sale of the lot of land situate in said city known as the "jail lot," on which is located the jail building now used by said city and by the county of James City, said sale to be made at public auction in front of the courthouse door of said city, after advertising the same for at least thirty days by written or printed notices posted at said courthouse door and at two or more other public places in said city, upon such terms as may be prescribed by said council: provided, however, that said sale shall not be made except by a two-thirds vote of

the members elected to said council: and provided, further, that said property shall not be sold until there has been provided and accepted for use by the city of Williamsburg and county of James City a suitable and convenient jail. The proceeds from such sale to be used by said council in the construction of a new jail.

2. The mayor of the said city is hereby authorized and empowered to execute and deliver to the purchaser of said property a good and sufficient deed attested by the clerk of said council with the corporate seal of said city, conveying the said lot, when thereunto requested by said council and subject to the provisions hereinabove set forth.

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CHAP. 314.—An ACT to amend and re-enact section 11 of an act entitled an act to establish a dispensary for the sale of intoxicating liquors in Jerusalem magisterial district, Southampton county, Virginia, to prohibit all persons, firms, or corporations, except manufacturers of apple and peach brandy within said district to sell, barter or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to the said district, approved February 15, 1901, as amended and re-enacted by an act approved May 15, 1903.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act entitled an act to establish a dispensary for the sale of intoxicating liquors in Jerusalem magisterial district, Southampton county, Virginia, to prohibit all persons, firms, or corporations, except manufacturers of apple and peach brandy within said district, to sell, barter, or exchange such liquors in said district, and to repeal all laws in conflict with this act, so far as they apply to said district, approved February fifteenth, nineteen hundred and one, as amended and re-enacted by an act approved May fifteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§11. The net profits accruing from this dispensary shall be distributed at least once in every six months and in the following manner: One-eighth thereof shall be paid to the State of Virginia, three-eighths to the town of Courtland, Virginia, three-eighths to the public schools of Jerusalem magisterial district, Southampton county, Virginia, and one-eighth to the public schools in the town of Courtland, Virginia. At each such semi-annually distribution of such profits an itemized statement of the receipts and disbursements of the treasurer shall be spread upon the books of the treasurer, and he shall at the same time transmit copies of such statement to the attorney for the Commonwealth of Southampton county, the chairman of the board of school trustees of Jerusalem magisterial district and the council of the town of Courtland, Virginia.

CHAP. 315.—An ACT to authorize the board of supervisors of Amherst county to permit the erection on the courthouse square of that county a Confederate hall or other memorial of the soldiers of the Confederate States army.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Amherst county be, and they are hereby, authorized and empowered to permit the erection upon the courthouse square of the said county, a Confederate hall or other memorial of the soldiers of the Confederate States army, upon such terms and conditions as the said board of supervisors may deem right and proper.

CHAP. 316.—An ACT to create a harbor board for the waters adjacent to the site of the Jamestown exposition, and to amend and re-enact section 2010 of the Code of Virginia, as amended and re-enacted by an act approved February 26, 1890.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That section twenty hundred and ten of the Code of Virginia, as amended and re-enacted by an act approved February twenty-sixth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§2010. The jurisdiction of said board for the purpose of this chapter shall extend to the Elizabeth river and all branches and tributaries thereof along the water front of the cities of Norfolk and Portsmouth, Norfolk county, and to Hampton Roads and Willoughby bay, and all branches and tributaries thereof along the water front of Tanner's Creek magisterial district, Norfolk county, but the said jurisdiction shall not at any time extend northward or westward of a line drawn from the Rip Raps to the Newport News light. Within the jurisdiction as above defined, they shall have power to fix, regulate, and define the lines along said Elizabeth river, Hampton Roads, and Willoughby bay, and the branches and tributaries thereof, within which riparian owners may erect wharves, piers, docks, and other proper structures for commercial and manufacturing purposes: provided, that whenever any harbor lines have been made or may be hereafter established under authority of Congress, or by any proper officer of the United States, in any of said waters, the power herein conferred upon the said board of harbor commissioners shall only be exercised within the limits so established, but they may regulate such structures as may be erected and prevent all encroachment upon said lines.

And to enforce the orders and regulations of said board within the waters adjacent to the grounds of the Jamestown exposition company, which are by this act brought within the jurisdiction of said board, they shall appoint two or more harbor masters, as they may deem expedient, to serve prior to and during the Jamestown exposition, who shall within such jurisdiction be vested with all the powers conferred by this statute

upon harbor masters, and may charge the same fees as are charged for like services within the jurisdiction of said board, which fees shall be paid to said harbor masters as compensation for the services performed by them.

Prior to and during the exposition period not less than one-half of the number of harbor masters so appointed under the provisions of this act to serve within the territory so added to the jurisdiction of said board shall be residents of the city of Newport News.

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CHAP. 317.—An ACT to relieve the south and western railway company from any possible forfeiture of its charter.

Approved March 17, 1906.

Whereas the south and western railway company was incorporated by chapter four hundred and sixty-nine of the acts of the general assembly of Virginia, approved April second, one thousand nine hundred and two; and

Whereas section eight of the charter of this company provided that said company shall have thirty (30) miles of road in operation in Virginia within two years from the date of said act or the rights thereby granted should cease; and

Whereas the south and western railway company has heretofore consolidated with the south and western railway company of Tennessee and the south and western railway of Kentucky under the name of the south and western railway company; and

Whereas the south and western railway company on the fifteenth day of November, nineteen hundred and four, applied for and obtained from the State corporation commission an amendment and extension of its charter; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the south and western railway company be, and is hereby, relieved of any possible forfeiture of its charter rights, or any of them, by reason of its failure to have thirty (30) miles of road in operation in Virginia within two years from the passage of said act, or by reason of any other act or omission to act whatsoever; and that the said forfeiture or cause of forfeiture, if any such existed at any time or now exists, be, and the same hereby is, remitted upon the condition that the south and western railway company shall hereafter hold its charter subject to all the provisions of the Constitution of Virginia and of all laws passed in pursuance thereof.

2. It being desirable that the said south and western railway company should be immediately relieved from all question as to its charter rights, an emergency is declared for the passage of this act, which shall be in force from its passage.

CHAP. 318.—An ACT to amend and re-enact sections 1, 2, 3, 11, 12, 13, and 14 of the act approved March 12, 1904, relating to the establishment, proper construction, and permanent improvement of the public roads and landings, for building and keeping in good order and repair all public roads, bridges, causeways, and wharves, and soforth.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That sections one, two, three, eleven, twelve, thirteen, and fourteen of the act of assembly, approved March twelfth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§944a. Establishment, proper construction, and permanent improvement of public roads and landings; for building and keeping in good order and repair all public roads, bridges, causeways and wharves; for control of county roads, and soforth, by a State engineer, board of supervisors, county superintendent of roads, road subdistrict boards and road subdistrict surveyors, and soforth.

(1) Except in the counties where some special road law is in force, the boards of supervisors, county superintendents of roads, road subdistrict boards, road subdistrict surveyors of their respective counties, and the State engineer shall have the control, supervision, management, and jurisdiction, as is or may be hereafter provided by law, over all of the county roads, causeways, bridges, landings, and wharves constructed or repaired in this State.

(2) View of roads, bridges, and routes for new roads; by whom made; width and grade of roads; employment of surveyor.—Whenever the county superintendent of roads, or the board of supervisors, shall be of opinion that it is necessary to establish or alter the location of a public road, landing, or bridge, or where any person applies to said board therefor, it may appoint five viewers, who shall be resident freeholders of the county, any three of whom may act, or it may direct the county or district superintendent of roads to examine such roads or routes, and report upon the expediency of altering the location of any road, or of establishing any new road, or building or repairing any bridge, or to lay off any new road such width and at such grade as it may prescribe: provided, that the right of way for any public road shall be thirty feet wide, and the grade of no road hereafter located shall exceed four degrees at any one point, unless the board of supervisors order a different width or different grade. If no one of the viewers be a surveyor, the said board of supervisors may employ one, if necessary, to assist said viewers.

(3) Duty of viewer; report; deed from landowners and action of board thereon.—The said viewers shall, as early as practicable after receiving the order of said board to that effect, proceed to make the view, and he may examine other routes and locations than that proposed, and if he is of opinion that there is a necessity to establish or alter the location of the public road, landing or bridge, he shall locate the same; return a map or diagram thereof with his report; make report to said board stating his reasons for preferring the location made; the probable cost of establishing or altering and location of such road, landing, or bridge;

the convenience and inconvenience that will result as well to individuals as to the public; whether the said road, landing, or bridge will be one of such mere private convenience as to make it proper that it should be opened, established, or altered and kept in order by the person or persons for whose convenience it is desired; whether any yard, garden, or orchard will have to be taken; the names of the landowners on such route; which of such landowners require compensation; what will be a just compensation to the landowners requiring compensation for the land so taken and for the damages to the residue of the tract, if any, beyond the peculiar benefits to be derived in respect to such residue, from the road, landing or bridge to be established; all other facts and circumstances in his opinion useful in enabling the board of supervisors to determine the expediency of establishing or altering the road, landing, or bridge; and he shall file such report with the clerk of the board.

In the event that some of the landowners do not require compensation, and they will execute written consent given the right of way in question, the said superintendent or viewers shall obtain same and return it with his report.

Should any of the landowners require compensation and not unite in such deed, the subsequent proceedings as to them shall be as provided for in the subsections four, five, and six of said act of assembly approved March twelfth, nineteen hundred and four.

(11) Levy of road tax; how collected and expended; when board may purchase machinery, and so forth, for improvement of roads.—The board of supervisors of each county shall annually levy, along with the county levy, a road tax upon the property, real and personal, assessed for taxation in their county. Such tax shall be not more than forty cents on every one hundred dollars in value of such property, and the same shall be collected, accounted for, and paid out on the warrant of the board as if it were a county levy. Such tax shall be applied to the building and repair of roads and bridges, defraying the county's proportion of expense of construction of any public road therein for which State aid is obtained as may be provided by law, the payment of costs and damages incident to the alteration of roads or the establishment of new roads and landings, the purchase of road graders, scrapers, and all machinery, tools, wagons, carts, and teams necessary for the proper working and repair of all the roads of said county, for the support of the county chain-gang, and the payment of the road superintendent and his deputies for their service as hereinafter provided. After the payment of the aforesaid expenses, if there be any of said funds remaining unexpended, the said board of supervisors may, out of said fund, purchase crushers and engines, crush stone for sale to the various road districts of its county at such price as shall be just and equitable and macadamize such roads in said county as said board may deem necessary and proper to be macadamized at the expense of said general fund, or it may apportion the remainder of said fund, or any part thereof, among the several magisterial districts of its county, in proportion to the amount of road tax paid by each district to the county fund, to be expended in working, keeping in

order, and repairing the public roads in such district; the said board of supervisors may purchase any grader, scraper, wagon, cart, tools, teams, and harness which are owned by any road district in its county, at a fair and just price, to be paid out of said general fund, and such price so paid shall be expended in working, keeping in order, and repairing the public roads in said district.

(12) Levy of district road tax limit; how collected and expended; treasurer to keep separate account; when levy to be submitted to vote of people.—The board of supervisors of each county shall annually levy, along with the county levy, a road tax upon the property, real and personal, assessed for taxation in the several magisterial districts of their county, which shall be applied to the working, keeping in order, and repairing the public roads in such district, and in defraying the district's proportion of expense of construction of any public road therein for which State aid is obtained, as may be provided for by law. Such tax shall be not more than forty cents upon every one hundred dollars in value of such property, and the same shall be collected, accounted for, and paid out on the warrant of the board as if it were a county levy, except that the fund collected from each magisterial district shall be kept separate by the county treasurer, and a different rate of tax may be prescribed for different districts in the same county. The amount collected in each district, together with the amount apportioned to each district under the provisions of the preceding section, shall be expended therein: provided, that when the board of supervisors decide to levy a tax under this and the preceding section exceeding a total of fifty cents on the one hundred dollars' worth of property, then before such tax shall be levied the question as to such tax shall be submitted to the people of the county or district affected as to whether such tax shall be levied. Such election shall be held under the provisions of the law in regard to the issuance of bonds for road purposes, except that upon the ballot used shall be printed "for increase of road tax" and "against increase of road tax": and provided, that no voter whose residence in a town exempts him from said tax shall be allowed to vote on said question.

(13) Supervisors to prescribe rules and plans for making roads, and so forth.—The board of supervisors, subject to the direction of the State engineer, shall, from time to time, prescribe and note upon the records of their proceedings such plans, specification, restrictions, and directions as they deem best for the working, keeping in order, and repairing the roads and bridges in their respective counties, including any special plans, specifications, restrictions, or directions which they may prescribe for particular roads or bridges, and they shall, from time to time, fix the price allowed for the hire of hands, and for the use of teams, plows, and other implements on the public roads.

(14) Appointment of county superintendents of roads.—Except when commissioners or superintendents of roads are provided for by some special road law, there shall be appointed biennially during the month of January, by the board of supervisors by the vote of a majority of all the supervisors of the county, a superintendent of roads, who shall either be a civil engineer or a person well versed in road building, whose duty it



shall be to superintend and direct the opening, repairing, and keeping in order of all county roads and bridges within the county for which he is appointed, and to further act as purchasing agent for said board of supervisors in purchasing all material and supplies required in the prosecution of such work and the performance of his duties by said superintendent shall be in such manner and under such regulations and restrictions as may be prescribed by the board of supervisors of his county and the State engineer: provided, that the work done and expenses incurred under this section shall be deemed to relate to county work and the county road fund, except where otherwise directed by said board: and provided, further, that the working and repairing of the roads of the several magisterial districts of a county to which the district road fund is applicable shall be under the supervision and control of said superintendent of roads, or of a deputy, as hereinafter provided for, or of the county supervisor of said magisterial district, as the board of supervisors may in each case or from time to time direct: provided, that the board of supervisors of any county may appoint and employ, at such compensation as they may fix, not exceeding three dollars per day for each day actually engaged at work in discharging the duties of his office, such a superintendent of roads for each of the several magisterial districts of the county, or one for two or more of such districts, who shall have the same duties with respect to their several districts as are above prescribed as the duties of a county superintendent of roads; and when all the districts of the county are thus provided with superintendents of roads, the board of supervisors may or may not, as in its discretion it may deem best, appoint a superintendent of roads for the whole county.

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CHAP. 319.—An ACT to amend and re-enact chapter 23 of the Code of Virginia in relation to the assessment of lands and lots as the same was amended and re-enacted by chapter 388 of the acts of assembly 1902-1903-1904, approved December 10, 1903, and to validate assessments and other acts done under the aforesaid act of assembly.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That chapter twenty-three of the Code of Virginia, in relation to the assessment of lands and lots, and their subsequent assessment, be amended and re-enacted so as to read as follows:

### *Chapter XXIII.*

§437. When and how assessors appointed to assess lands and lots.—It shall be the duty of the several circuit courts of the several counties and corporation or husting courts of the several cities of this State on or before the first day of January, in the year nineteen hundred and five, and every fifth year thereafter, to appoint proper persons to assess the value of all lands and lots, together with the improvements thereon, within their respective counties and corporations: provided, that there

shall be but one assessor for each corporation, except the city of Richmond, where there shall be three; and except further, that all cities having a population of fifteen thousand may have two assessors, and for each county as many as there are commissioners of the revenue for the same. And every person appointed assessor shall be a resident of the county or corporation and district for which he is appointed. In those counties in which two or more assessors are to be appointed, the court shall appoint one for each district in which there is a commissioner of the revenue, and if at any time the court shall be satisfied that any assessor appointed under this act will not, or that from any cause he cannot, perform the duties devolved on him within the time prescribed, the court may wholly supersede him and appoint another in his place, or appoint one or more assistants to aid him in his duties, as shall be deemed most expedient; but before any person thus appointed shall enter upon the duties of his office he shall take the oath prescribed by the Constitution and execute the bond prescribed by section four hundred and thirty-eight. But this section shall not apply to the assessment of railway and canal corporations, nor of coal and other mineral lands, the assessment of which is otherwise provided for by law.

§437a. The several commissioners of the revenue in this State shall, on or before the first day of August, nineteen hundred and three, and every second year thereafter on or before the fifteenth day of May, specially and separately assess at the fair market value all mineral lands, and the improvements, fixtures, and machinery thereon, within their respective districts, and shall enter the same on the land books of their respective districts separately from other lands charged thereon, and shall extend the taxes upon said lands, improvements, fixtures, and machinery, assessed as aforesaid, at the rate fixed by law upon tangible property.

The commissioner, in assessing mineral lands, shall set forth upon the land book the area and the fair market value thereof, first, of such portion of each tract as is improved and under development; second, the fair market value of the improvements, fixtures, and machinery upon each tract; and, third, the area and the fair market value of such portion of each tract as shall not be under development. If the surface of the land is held by one person, and the coal, iron, other minerals, mineral waters, gas or oils under the surface be held by another person, the estate therein of each, and the relative fair market value of their respective interests shall be ascertained by the commissioner. If the surface of the land and the coal, iron, other minerals, mineral water, gas or oils under the surface be owned by the same person, the commissioner shall ascertain the fair market value of the land, exclusive of the coal, iron, other minerals, mineral waters, gas or oils, and also the fair market value of the coal, iron, other minerals, mineral waters, gas or oils, and shall assess both at such ascertained values, stating separately, however, in every case the value of the surface of the land and the value of the minerals, mineral waters, gas or oils under the surface.

The several commissioners shall, on or before the first day of August, in the year nineteen hundred and three, and on or before the fifteenth day of May, in every second year thereafter, certify a copy of such assess-

ment made in their respective districts of mineral lands, or mineral rights as aforesaid, to the State corporation commission, with the name and postoffice address of each person, firm, or corporation in whose name any such lands or interests therein shall have been assessed upon the land book of his district, with the amount of tax extended thereon. Upon receiving the report of such commissioner the State corporation commission shall examine into the justice of any such assessment, and if it shall appear to the commission that any tract of land, or any part thereof, or the improvements, fixtures, or machinery thereon, or any right or interest in the same, or any part thereof, has not been assessed at its fair market value, the said commission shall direct the attorney for the Commonwealth for the county or corporation wherein such land or interest therein so assessed is situated, or any other special attorney it may designate, to apply, in the name of the Commonwealth, to the circuit court of the said county or corporation court of said city, to have said assessment corrected, which court shall have jurisdiction for the purpose. Any person feeling himself aggrieved by the assessment of his lands or interests therein hereunder may, at any time prior to the first day of February next succeeding, apply to the circuit court of the county or corporation court of the city in which the land lies, to have said assessment corrected. Said application may be made either by motion in open court or by filing a petition in the clerk's office of said circuit court, setting forth the lands or mineral rights on which the assessment complained of is made, praying that said assessment made be corrected; and the said court at its next term after the filing of said petition shall hear the said cause and enter such judgment as to it shall seem proper. The Commonwealth's attorney and the commissioner of revenue who made the assessment shall be made defendants to said petition or motion, and notice upon them shall be served at least five days before the cause is heard. Continuances of the hearing of said motions or petitions may be granted for good cause. The proceedings upon any such application shall conform to section four hundred and forty-four of the Code of Virginia, and all amendments thereof, except so far as in conflict herewith: provided, that the Commonwealth and the person whose property is assessed shall have the right of appeal from the decision of said circuit or corporation court to the supreme court of appeals. The said State corporation commission, for the purpose of this act, may make, or cause to be made, such examination of the said lands or improvements, fixtures, and machinery thereon, as it may deem necessary, and may summon and compel the attendance of witnesses, and call for such information and require the production of such books and papers as it may deem necessary in the premises.

§438. Bond and oath of assessor.—Each assessor before entering upon the duties of his office shall, before the circuit or corporation court of his county or corporation, or judge thereof in vacation, execute a bond, with surety, in the penalty of five thousand dollars, with condition for the faithful discharge of the duties of his office according to law; and if said qualification be in vacation, the certificate thereof and the oath shall be returned to the clerk of the circuit or corporation court, who shall record such certificate and the fact of taking the oath in the minutes of the next term.

§439. Register of land office to forward list of grants to clerks, to be delivered to assessors along with the land book and list of conveyances; compensation to clerks.—The register of the land office shall, before the fifteenth day of January of the year in which an assessment is to be made, forward to the clerk of each circuit and corporation court a list of all grants of lands within his county and corporation issued during the year next preceding such assessment; and it shall be the duty of the clerk, without unnecessary delay, to deliver to the assessor of such county or corporation the said lists of grants, with a copy of the land book for his county or corporation last returned, and a list of the conveyances recorded since the said book was made out. In any county or corporation in which there shall be more assessors than one, the clerk shall furnish to each of them a copy of the lists of grants and of the land book, and also a list of conveyances as aforesaid for the district for which he is appointed. For the services aforesaid the clerk shall receive such compensation as the circuit court of his county or corporation court of his city may think proper to allow, which shall be embraced in and paid out of the first county or corporation levy made after the services shall have been rendered. And any clerk who shall fail to perform any duty hereby enjoined upon him shall be fined not exceeding one hundred dollars.

§440. Auditor to prepare forms and instructions to assessors.—It shall be the duty of the auditor of public accounts, before the first day of January, nineteen hundred and five, and every fifth year thereafter, to prepare proper forms of returns, so arranged as to show the lands and lots assessable by them in the district of each commissioner of the revenue separately, with blank to be filled up by the assessors, and cause the same, with the proper instructions, to be printed, and forward a sufficient number of copies for the use of the assessors to the clerks of the circuit and corporation courts.

§441. Duties of assessors.—The assessors shall, immediately after their appointment, proceed to examine all the lands and lots, assessable by them, with the improvements thereon, within their respective counties, districts, and corporations, and shall, upon examination, ascertain and assess the fair market value thereof, and at the same time shall note whether the owner is white or colored.

§442. To meet for consultation.—In any county or city in which there is more than one assessor, such assessors, prior to the completion of their labors, shall assemble at least once in each district, for the purpose of consultation, with a view of equalizing, as far as practicable, the assessment of lands in their respective counties, districts, and corporations.

§443. To make copies of assessment; disposition of copies.—As soon as the assessors shall have completed the assessments in their respective counties, districts, and corporations, they shall make three copies thereof, in the form in which the land books are now made out, and shall certify on oath that no lots or lands, assessable by them, are omitted, and that there are no errors on its face; and one copy shall be preserved and filed in the clerk's office of the circuit court of the county or corporation court of the city wherein the lot or land is located, another copy trans-

mitted to the auditor of public accounts, and another copy shall be delivered to the commissioner of the revenue of the county, district, or corporation on or before the first day of June, in the year in which the assessment is made: but for good cause shown, the judges of the circuit or corporation courts, respectively, may extend the time of making the returns of said assessment to the first day of July next succeeding. Each assessor who shall fail to comply with any requirement of this section shall forfeit all right to compensation for his services.

§444. How and when erroneous assessment of lands corrected.—Any person feeling himself aggrieved by the assessment of his lands or lots may, upon giving notice to the assessor and to the attorney for the Commonwealth, apply to the circuit court of the county or corporation court of the corporation in which the land lies, at any time prior to the first day of February of the year next succeeding such assessment, and not after, to have the assessment of his lands or lots corrected, which notice shall be in writing, and shall have appended thereto an affidavit of the owner, or his duly authorized agent, that in the opinion of the affiant the assessment of his lands or lots is above the true value thereof. The attorney for the Commonwealth shall defend the application, and if the court shall be satisfied that the assessment is too high, it shall reduce the same to what, in its opinion, is the true value of such lands or lots: but if it shall be of opinion that the assessment is too low, then it shall increase it in like manner; and such application shall have precedence over all other causes pending in said court, but no cost shall be taxed against the applicant or the Commonwealth.

§445. Clerks to certify to auditor and assessors all changes made by their courts in assessments.—It shall be the duty of the clerk of each circuit or corporation court to certify to the auditor of public accounts all changes made by said circuit or corporation court of his county or corporation, in order that the books of assessment on file in the office of the auditor may be made to conform to the changes directed by the court; and it shall be the duty of the clerks aforesaid to certify in like manner to the proper assessor the changes made by the court, that he may correct the books on file with the clerk so as to conform to the said orders.

§446. Compensation of assessors.—Each assessor and assistant assessors shall receive the sum of two dollars for each day he shall be necessarily employed in the execution of the duties of his office. The accounts shall be made out and verified by affidavit before the clerk of the circuit or corporation court, in which it shall be stated that the time for which said per diem is claimed was necessarily employed, and when said accounts shall be so made out and verified they shall be paid out of any money in the treasury not otherwise appropriated.

§447. Taxes to be extended on basis of assessment.—Taxes on lands for each year shall be extended on the basis of the last assessment made prior to such year under the provision of section four hundred and thirty-seven of this chapter: provided, however, that until the year nineteen hundred and six, taxes on lands other than mineral lands, and lands of railway or canal corporations, shall be extended on the basis of assess-

ments made in the year nineteen hundred: and provided, further, that taxes on mineral lands and mineral interests shall be extended on the basis of assessment provided for in section four hundred and thirty-seven of this chapter.

2. All acts and parts of acts in conflict with this act, or any part thereof, are hereby repealed.

3. All assessments and all other acts of every kind which have been made or done in compliance with the terms of chapter three hundred and eighty-eight of the acts of assembly, nineteen hundred and two, nineteen hundred and three, and nineteen hundred and four, approved December tenth, nineteen hundred and three, are hereby confirmed and declared to be as valid and binding as they or like assessments and acts would be if done under this act.

4. An emergency existing to protect the revenue of the State, this act shall be in force from its passage.

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CHAP. 320.—An ACT to define and regulate fraternal beneficiary associations, orders, or societies.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That a fraternal beneficiary association, order, or society is hereby declared to be a corporation, society, order, or voluntary association which is formed or organized for the purpose of providing benefits, charity, relief, or insurance for its members and their beneficiaries, such insurance being issued in the form of certificates of membership therein, which provide for the payment of a specified or other sum of money to the beneficiary on the death of the member in consideration of the payment by the member of fixed sums at fixed periods, or of any sums in the form of dues or other assessments as may be provided in its constitution and by-laws: provided, such corporation, society, or voluntary association shall have no capital stock, and has a representative form of government and a lodge system, with ritualistic form of work for the meetings of its lodges, chapters, councils, or other designated subordinate bodies, and the benefits, charity, relief and insurance shall be payable by a grand or supreme body of the same, excepting sick benefits, which may also be paid by local or subordinate bodies of such order: and provided, further, that every such association may provide in its constitution or by-laws that if such regular payments are insufficient to pay all matured death and disability claims in full and provide for the creation and maintenance of the funds required by its constitution and by-laws, extra assessments or other payments may be levied upon the members: provided further, that orders or societies operating upon the plan of levying and collecting post-mortem assessments shall indicate this provision on the face of certificate. Such grand or supreme bodies may be composed of its officers, incorporators, representatives elected by local, district, or grand bodies, past officers, and standing committee. Such orders or associations may make a constitu-

tion and by-laws, alter and amend the same from time to time, and adopt such other rules and regulations consistent with the existing laws of the State, for the government of all under its authority, for the management of its properties and the due and orderly conduct of its affairs. Said constitution and by-laws when so made, or as changed, altered or amended, shall be the law governing the said association and its officers, and subordinate branches or lodges, and all members and beneficiaries in their beneficial, financial, and social relations to such association. Except, as provided in section eleven of this act no such association or order shall admit to beneficial membership any person less than sixteen nor more than sixty years of age. Such orders or associations shall make provision for the payment of benefits in case of death, and may make provision for the payment of benefits in case of sickness, and temporary or permanent physical disability, either as a result of disease, accident, or old age: provided, the period of life at which the payment for old age commences shall not be under seventy years. Any such order or association may also accumulate, maintain, apply, and disburse among its membership a reserve or surplus fund as may be provided in its constitution and laws.

The funds from which the payment of benefits shall be made, and the fund from which the expenses shall be defrayed, shall be derived from assessments, dues, or other payments collected from its members, as may be provided by the constitution or by-laws of such order or association. Payment of death benefits shall be to families, heirs, blood relatives, affianced husband or affianced wife of, or to persons dependent upon the member, as may be designated by the member, or to such other beneficiaries as may be permitted by the laws of the State or province in which such order or association is chartered.

Each member shall have the right to designate his beneficiary and from time to time have the same changed in accordance with the by-laws, rules, or regulations of the order or associations, and no beneficiary shall have any vested interest in the said benefit until the same has become due and payable upon the death of the member.

All such fraternal orders, associations, or societies shall be governed by this act, and shall be exempt from the provisions of section twelve hundred and seventy-one of the Code, relating to securities to be deposited with the treasurer of this State, and shall be exempt from all other laws of this State, relating to corporations organized and doing business under the system of life or casualty insurance, known as either the old line or legal reserve plan, or the co-operative or assessment plan: provided, however, that nothing in this section shall be construed to exempt such orders, associations, or societies from the operation of any laws governing pleading, and evidence, the jurisdiction of courts, and the limitations of actions in suits or actions on insurance policies and certificates, nor to exempt such orders, associations, or societies from the jurisdiction of any insurance department which may hereafter be established.

2. Any fraternal beneficiary order, association, or society of this or any other State, district, province, or territory, now having members, or any lodge, chapter, council, or subordinate branch duly established and or-

ganized in this State, may continue its operations and business in this State: provided, that it hereafter complies with the provisions of this act.

3. Any fraternal beneficiary order, association, or society coming within the description as set forth in section one of this act, organized under the laws of any other State, province, district, or territory, not now having lodges, councils, or other subordinate bodies, or members in this State shall be permitted to do business within this State, in accordance with this act, when it shall have filed with the auditor of public accounts a certificate from the official in charge of fire insurance matters in its home State of incorporation that it is authorized to transact business therein as a fraternal beneficiary order or association, also a duly certified copy of its charter and articles of association, and a copy of its constitution and laws, certified to by its secretary or corresponding officer, together with an appointment of the auditor of public accounts as the person upon whom legal process may be served, as hereinafter provided.

4. Each such corporation, society, order, or association doing business in this State, shall, on or before the first day of March of each year, make and file with the auditor of public accounts, a report of its affairs and operations during the year ending the thirty-first day of December immediately preceding. Such report shall be made on blanks provided by the auditor of public accounts, under oath by the duly authorized officers of any such order or association, and shall be published, or the substance thereof, in the annual report of the auditor of public accounts, and shall be in the following form:

*Annual Statement.*

For the year ending December 31, 190....

Of the condition and affairs of the ....., organized under the laws of the State of ....., made to the auditor of public accounts of ....., president, or corresponding title, ..... first vice-president, or corresponding title, ....., secretary, or corresponding title, ....., treasurer, or corresponding title (state what law), ..... Incorporated, ..... nineteen hundred and ..... Under ..... Approved ....., nineteen hundred and .... Chapter..... Organized ....., nineteen hundred and .... Voluntary association ..... Commenced business, 190....

Home office (give street and number) .....

One. Balance Sheet.

Amount of net ledger assets, December thirty-one, of previous year,  
\$.....



## Two. Income During the Year.

As shown by the books at the home office at close of business December thirty-one, nineteen hundred and ..... Gross amount paid by members to the society as follows:

One. Dues for expenses, per capita tax, etcetera, \$.....	
Two. Assessments: Mortuary, \$..... Reserve, \$.....	
Expenses, \$.....	
Three. Total received from members, \$.....	
Four. Interest, \$..... Rent, \$.....	
Five. From all other sources—viz.:	
.....	
.....	
Total income during the year——	\$.....
Sum of both amounts.....	\$.....

## Three. Disbursements During the Year.

As shown by the books at home office at close of business.

December 31, 190....

One. Death claims, \$..... Permanent disability claims, \$.....	\$.....
Two. Temporary disability, \$..... Old age benefits, \$.....	\$.....
Three. Payments returned to applicants or members, .....	\$.....
Total paid to members and beneficiaries..	\$.....
Four. Commissions, fees, salaries paid or allowed to agents for organization of subordinate bodies and upbuilding of same.....	\$.....
Five. Salaries paid to officers.....	\$.....
Six. Salaries paid to office employees.....	\$.....
Seven. Salaries or fees paid supreme or medical supervisors .....	\$.....
Eight. Rent, \$..... Taxes, \$..... Advertising, official publication, and printing, \$.....	\$.....
Nine. Postage, express, and telegraph, \$..... Legal expenses, \$..... Governing bodies, \$..... Insurance department, \$..... Miscellaneous, \$.....	\$.....
Ten. All other items—viz.: .....	
.....	
.....	
(Total expenses, footings of items four to ten, \$.....).	Total disbursements.....\$.....

Balance .....\$.  
Invested as follows:

Four. Ledger Assets.

As shown by the books at home office at close of business.

December 31, 190....

One. Book value of real estate, unencumbered,  
\$. Encumbered, \$.  
Two. Mortgage loans on real estate, first liens,  
\$. Other than first, \$.  
Three. Loans secured by pledge of bonds,  
stocks, or other collateral.  
Four. Book value of bonds (excluding interest)  
and stocks owned absolutely.  
Five. Personal agents' debt balances, \$.  
Bill receivable, \$.  
Six. Cash in office, \$. Deposited in  
bank (name banks and amounts), \$.  
.....  
.....  
.....  
.....  
Seven. Total .....

Deduct Ledger Liabilities.

Eight. Personal or agents' credit balances,  
\$.; borrowed money, \$. All  
other, \$.  
Nine. Total net ledger assets as per balance on  
page ....., comprised under the follow-  
ing funds: .....  
Ten. Mortuary, .....  
Eleven. Reserve, .....  
Twelve. Emergency, .....  
Thirteen. Expense, .....

Five. Non-Ledger Assets.

Fourteen. Interest due, \$.; accrued,  
\$.; on mortgages, .....  
Fifteen. Interest due, \$.; accrued,  
\$.; on other assets, .....  
Sixteen. Rents due, \$.; accrued,  
\$.; on property or lease, .....

Seventeen. Market value of real estate over book value .....	\$.....
Eighteen. Market value of bonds (not including interest) and stocks over book value....	\$.....
Nineteen. Assessments due on last call, made within sixty days, on certificates in force....	\$.....
Twenty. Assessments to become due on certificates not exceeding one assessment, nor the amount of claims not assessed for per item two of liabilities.....	\$.....
Twenty-one. Other items .....	\$.....
Total non-ledger assets .....	\$.....
Gross assets .....	\$.....

(Deduct assets not admitted.)

One. Furniture, fixtures and safes, supplies, printed matter, stationery, etcetera, \$.....	\$.....
Two. Personal or agents' debts debit balances unsecured, \$.....; bills receivable unsecured, \$.....	\$.....
Three. Excess of items seventeen and eighteen over charges in liabilities on same account .....	\$.....
Four. Depreciation of ledger assets to bring same to market value.....	\$.....
Real estate, \$.....; bonds and stocks, \$.....	\$.....
Five. Other items .....	\$.....
.....	\$.....
.....	\$.....
.....	\$.....
Total non-admitted assets.....	\$.....
Total admitted assets.....	\$.....

#### Six. Non-Ledger Liabilities.

One. Losses on certificates due and unpaid, \$.....; adjusted, not due, \$.....	\$.....
Two. Instalment of annuity benefits not due..	\$.....
Three. Losses on certificates not adjusted, \$.....; resisted, \$.....	\$.....
Four. Salaries, rents, expenses, taxes, bills, accounts, fees, etc., due and accrued.....	\$.....
Five. Advance assessments .....	\$.....
All other liabilities—viz.: .....	\$.....
.....	\$.....
Total liabilities .....	\$.....
Balance to protect contracts.....	\$.....

Seven. Exhibit of Certificates.

Total business during year. Business in Virginia during year.  
 Number..... Amount..... Number..... Amount.....  
 Certificates in force December thirty-one (beginning of year):  
 .....  
 Certificates written or increased during the calendar year:  
 .....

Death Losses and Claims.

	No.	Amount.	No.	Amount.
Losses and claims unpaid December thirty-one (beginning of year)....	....	\$.....	....	\$.....
Losses and claims incurred during the calendar year .....	....	\$.....	....	\$.....
Total .....	....	\$.....	....	\$.....
Losses and claims paid during the year .....	....	\$.....	....	\$.....
Losses and claims unpaid (December thirty-one, end of year).....	....	\$.....	....	\$.....

Disability Losses and Claims.

Losses and claims unpaid December thirty-one (beginning of year)....	....	\$.....	....	\$.....
Losses and claims incurred during the calendar year.....	....	\$.....	....	\$.....
Total .....	....	\$.....	....	\$.....
Losses and claims paid during the year .....	....	\$.....	....	\$.....
Losses and claims unpaid December thirty-one (end of year).....	....	\$.....	....	\$.....

State of ....., county of.....ss.:  
 ....., president (or chief executive officer),  
 and ....., secretary (or similar officer), of the  
 ..... society, being duly sworn, each  
 for himself, deposes and says, that they are the above described officers  
 of the said society, and that on the thirty-first day of December last all  
 the above described assets were the absolute property of the said society  
 free and clear from any liens or claims thereon, except as above stated;  
 and that the foregoing statement of the assets, liabilities, income, and dis-  
 bursements, and of the condition and affairs of the said society on the  
 said thirty-first day of December last, and for the year ending on that  
 date, according to the best of their information, knowledge, and belief,  
 respectively, are true and correct.

Subscribed and sworn to before me this ..... day  
of ..... A. D., 190....

.....  
.....

5. The auditor of public accounts, or the corporation commission, or any person or persons appointed by them, shall, at the request of any fraternal beneficiary order or association, or at their own volition, may examine the books, accounts, and assets of any fraternal beneficiary association, order, or society operating in this State, for the purpose of verifying the annual report submitted, and all expenses incident thereto as may be deemed reasonable by the auditor of public accounts, shall be paid by such association, order, or society: provided, however, that in case of fraternal beneficiary associations, orders, or societies organized under the laws of another State, the auditor of public accounts may accept in lieu of such examination, the examination of the insurance official of said State, territory, or province, under the laws of which such association, order, or society is organized and in which it has its home office. In the event of examination, the auditor of public accounts shall furnish to such association, order, or society a certificate as to the result of his examination, and he shall furnish to domestic fraternal associations, orders, or societies such certificates as may be required by the insurance officials of other States in relation to their business with fraternal beneficiary associations or orders chartered under the laws of this State.

6. Each such corporation, society, or association now doing or hereafter admitted to do business within this State, and not having its principal office within this State, and not being organized under the laws of this State, shall appoint, in writing, the auditor of public accounts, or his successors in office, to be its true and lawful attorney, upon whom all lawful process in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it, which is served on said attorney, shall be of the same legal force and validity as if served upon the order or association, and that the authority shall continue in force so long as any liability remains outstanding in this State. and such service in this State shall alone be a legal service. Copies of such appointment, certified by said auditor of public accounts, shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such association. When legal process against any such order is served upon the said auditor of public accounts, he shall immediately notify the order of such service by letter, prepaid, and directed to its secretary or corresponding officer, and he shall, within two days after such service, forward in the same manner a copy of the process served on him to such officer. The auditor of public accounts shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made and by whom made.

7. The auditor of public accounts shall, upon the application of any order, society, or association having the right to do business in this State. as provided by this act, issue a permit in writing, authorizing it to do

business in this State, for which certificate and all proceedings in connection therewith such order or association shall pay to the said auditor of public accounts a fee of twenty dollars, which shall be in lieu of all fees and license taxes, whether State, county, or municipal.

8. It shall be unlawful for any such order, association, or society to do business in this State while it is in default in making said report to the auditor of public accounts. The said auditor shall, within sixty days after failure to make such report, and shall, in case any such order, association, or society conduct its business fraudulently, or in any manner fail to comply with this act, give notice of the same in writing to the attorney-general, who shall immediately notify such order, association, or society of such complaint and afford it reasonable opportunity on a day named in such notice to show cause why proceedings to exclude it from doing business in this State should not be instituted. If, upon such hearing before him, the attorney-general be of the opinion that such proceedings should be instituted, he shall forthwith institute the same. And if the court, upon hearing, shall be of the opinion that such order, association, or society has violated the provisions of this act or has conducted its business fraudulently, the court shall enjoin it from doing business in this State or may make any other order which the court may deem proper in the premises.

Any officer, agent, or person attempting to secure new members for any order, association, or society which has been excluded from doing business in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, and each act in violation of this provision shall be constituted a separate offense.

9. Any person who shall act within this State as an officer, agent, or otherwise, for any such fraternal beneficiary order or association in soliciting members, which shall have neglected or refused to comply with this act, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified.

10. Whenever there shall be created under the laws of this State the office of insurance commissioner, or other insurance official, designated by any other name, then all the duties imposed in this act on the auditor of public accounts, relating to fraternal beneficiary orders or associations, shall be transferred to and exercised by such insurance commissioner, or insurance official, by whatsoever name designated under the law.

11. No domestic fraternal beneficiary association, order or society shall transfer its membership and assets to any association, order, or society or insurance corporation not licensed to do business in this State; nor shall such transfer be made to any licensed society, order, association, or corporation unless the agreement to so transfer has been approved by a two-thirds vote of the members of the supreme body, or any other body competent to act during recess of the supreme body of such association, order or society whose membership is proposed to be transferred; and by a two-thirds vote of the supreme body or any other body competent to act during recess of supreme body of such order, association or society proposing to accept such membership and assets. Any domestic fraternal

beneficiary association, order, or society may accept the membership and assets of any other such organization upon such terms and conditions as may be agreed upon by said governing body or bodies authorized to act under the constitution and laws of such order, association, or society.

12. Any agent, physician, or other person who shall knowingly secure or caused to be secured a certificate of membership on any person without his knowledge or consent, or by means of misrepresentations, false, fraudulent, or untrue statements be instrumental in securing a certificate of membership on any aged or infirm person, or restoring to membership any person not in an insurable condition, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars, or to be imprisoned in a jail not less than thirty days nor more than one year, or both, and the said certificate or renewal so secured shall be absolutely void.

13. Nothing in this act shall be held to effect or to apply to grand or subordinate lodges of masons, knights of pythias (endowment rank excepted), odd fellows, red men, junior order of American mechanics, or similar orders that do not insure the lives of their members.

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CHAP. 321.—An ACT to amend and re-enact section 185 of an act entitled “an act to amend and re-enact title 8 of the Code of Virginia, in relation to salaries, mileage, and other allowances,” approved February 7, 1903, as further amended by an act entitled “an act to amend and re-enact subsection 6 of section 185 of the Code of Virginia,” approved March 12, 1904.

Approved March 17, 1906.

1. Be it enacted by the general assembly of Virginia, That an act to amend and re-enact section one hundred and eighty-five of an act entitled an act to amend and re-enact title eight of the Code of Virginia, in relation to salaries, mileage, and other allowances, approved February seventh, nineteen hundred and three, as further amended by an act entitled an act to amend and re-enact subsection six of section one hundred and eighty-five of the Code of Virginia, approved March twelfth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§185. First. Salaries of judges of court of appeals.—The president of the supreme court of appeals until the first day of February, nineteen hundred and seven, the sum of four thousand two hundred dollars, and the other judges of the said court each the sum of four thousand dollars, and on and after February first, nineteen hundred and seven, the judges of the supreme court of appeals the sum of four thousand five hundred dollars each.

Second. Of clerks, reporter, and stenographer.—The clerk of the court of appeals at Richmond, the sum of five hundred dollars, and the clerks of said court at Staunton and Wytheville each the sum of three hundred and twenty dollars, and the clerk of the circuit court of the city of

Richmond, the sum of four hundred dollars; the reporter, fifteen hundred dollars; and the stenographer to the court of appeals, one thousand four hundred dollars.

Third. Of judges of circuit courts.—The twenty-nine judges of the circuit courts the sum of two thousand five hundred dollars each: provided, however, that the judge of the circuit court of the city of Richmond shall receive the sum of three thousand five hundred dollars. The whole of which said salaries of said judges shall be paid out of the State treasury, the State to be reimbursed to the extent of one-half thereof by the respective counties and cities composing the circuit, according to their respective population, except that of the salary of the judge of the circuit court of the city of Richmond, the State shall pay the proportion which would otherwise fall to the city of Richmond; and it is hereby made the duty of the auditor of public accounts—

“On or before the first day of June, of the year nineteen hundred and three, and of each year thereafter, to apportion between the counties and cities composing each judicial circuit the salary of the judge thereof for the year beginning the first day of February of the succeeding year, according to the respective population of said counties and cities as shown by the last preceding census taken under authority of the United States, and transmit a statement of such apportionment to the clerk of the board of supervisors of each county and the clerk of the council of each city composing the judicial circuit and to the treasurer of each of said counties and cities.

“It shall be the duty of the board of supervisors of each county and the council of each city to provide funds for the payment of so much of said salary as said statement shows to have been apportioned to its county or city; but it is hereby made the duty of the treasurer of such county or city to pay the same into the treasury of the State on or before the first day of December each year, out of any funds of his county or city in his hands, and to this end he shall retain of said funds collected by him a sum sufficient to pay such portion of said salary, and said apportionment shall be the first and superior charge against said funds.

“Any treasurer failing to make such payment within the time prescribed therefor shall be liable to the Commonwealth on his official bond for the part of such salary apportioned to his county or city, and a penalty thereon of ten per centum.

“The salaries of the circuit judges now in office shall remain unchanged until the first day of February, nineteen hundred and four, and to be paid as now provided by law.”

Fourth. Mileage.—The judges of the supreme court of appeals and of the circuit courts shall each be entitled to mileage not to exceed ten cents per mile for all necessary travel by the nearest practicable route of travel in use to and from their respective courts.

Fifth. Judges of the city courts of cities of the first class.—The judges of the city courts of cities of the first class, the following sums, respectively: The judge of the chancery court of the city of Richmond, the judge of the law and equity court of the city of Richmond, the judge of the hustings court of the city of Richmond, the judge of the law and



chancery court of the city of Norfolk, and the judge of the corporation court of the city of Norfolk, the sum of three thousand five hundred dollars each; the judge of the corporation or hustings court of the city of Petersburg, the judge of the corporation or hustings court of the city of Lynchburg, the judge of the corporation or hustings court of the city of Roanoke, the judge of the corporation or hustings court of the city of Danville, the judge of the corporation or hustings court of the city of Newport News, the judge of the corporation or hustings court of the city of Alexandria, the judge of the corporation or hustings court of the city of Staunton, and the judge of the corporation or hustings court of the city of Portsmouth, the sum of two thousand five hundred dollars each; and the judge of the corporation or hustings court of the city of Manchester, the sum of two thousand dollars: provided, however, that the judge of the corporation or hustings court of the city of Alexandria and the judge of the corporation or hustings court of the city of Portsmouth shall receive the sum of two thousand dollars until the first day of February, nineteen hundred and seven. The whole of said salaries of said judges shall be paid out of the State treasury, the State to be reimbursed to the extent of one-half thereof by the respective cities; and it is hereby made the duty of the auditor of public accounts—

On or before the first day of June of the year nineteen hundred and three, and of each year thereafter, to apportion the salary of each of said judges, respectively, between the State of Virginia and the cities above named, respectively, in accordance with the provisions of section one hundred and three of the Constitution of Virginia; that is to say, one-half of said salary of each of said judges to be paid by the State of Virginia and the other half by the city, and to transmit a statement of such apportionment to the clerks of the councils of said cities, respectively, and to the treasurers of said cities, respectively.

It shall be the duty of the council of said city to provide funds for the payment of so much of said salary as said statement shows to have been apportioned to its city; but it is hereby made the duty of the treasurer of such city to pay the same into the treasury of the State on or before the first day of December each year out of any funds of his city in his hands; and to this end he shall retain of said funds collected by him a sum sufficient to pay such portion of said salary, and said apportionment shall be the first and superior charge against said funds. Any treasurer failing to make such payment within the time above prescribed therefor shall be liable to the Commonwealth on his official bond for the part of such salary apportioned to his city as aforesaid and a penalty thereon of ten per centum.

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CHAP. 322.—An ACT to regulate the erection of toll gates on turnpikes in the State of Virginia.

Approved March 19, 1906.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to erect more than one gate for the collection of tolls on any

one section of any turnpike or toll road in which the State of Virginia has an interest, and no toll gate on such turnpike or road shall be erected or placed within one-half mile of the corporate limits of any city; and that portion of any turnpike which lies between the toll gate and the limits of any city or shall be kept in repair to the extent of a half mile from the corporate limit of said city, jointly by the turnpike company and the city, within the limits of which such portion of such turnpike lies; the turnpike company in any event not being required to pay more than two-thirds of the cost of improving and maintaining the outlying section after the same plan and condition as the remainder of its turnpike; but nothing herein contained shall prevent the city from paving or otherwise improving such outlying section at its own expense, with the consent of the turnpike company; and nothing herein contained shall affect the title of the said turnpike company to its property or road bed, or the rate of its toll to persons passing through its toll gates; and, the condition of such outlying section shall not be subject to the report of viewers under chapter ten of chapter six hundred and eight, in the acts of the general assembly of Virginia, nineteen hundred and two, three, four, relating to turnpike companies.

2. Any turnpike or toll company violating the provision of this act shall be liable to a fine of five dollars for each day it so continues said toll gate.

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CHAP. 323.—An ACT to amend and re-enact section 78 of the Code of Virginia of 1887, as amended and re-enacted by an act of the general assembly of Virginia, approved December the 8th, 1903, entitled "an act to repeal sections 63 and 66, and to amend and re-enact sections 62, 64, 65, 67, 68, 69, 72, 73, 74, 75, 78, 79, 80, and 85, as amended by an act approved May 26, 1903, of chapter 8 of the Code of Virginia," in relation to "duties of registrars; their pay."

Approved March 19, 1906.

1. Be it enacted by the general assembly of Virginia, That section seventy-eight of the Code of Virginia of eighteen hundred and eighty-seven, as amended and re-enacted by an act of the general assembly of Virginia, approved December eighth, nineteen hundred and three, entitled "an act to repeal sections sixty-three and sixty-six, and to amend and re-enact sections sixty-two, sixty-four, sixty-five, sixty-seven, sixty-eight, sixty-nine, seventy-two, seventy-three, seventy-four, seventy-five, seventy-eight, seventy-nine, eighty, and eighty-five, as amended by an act approved May twenty-sixth, nineteen hundred and three, of chapter eight of the Code of Virginia," be amended and re-enacted so as to read as follows:

§78. When voters registered; duties of registrars; their pay.—Each registrar shall annually, on the third Tuesday in May, at his voting place, proceed to register the names of all qualified voters within his election district not previously registered in the said district, in accordance with the provisions of this chapter, who shall apply to be registered, commencing at sunrise and closing at sunset, and shall complete such registration on the third Tuesday in May. Thirty days previous to the No-

venber elections the registrar shall sit one day for the purpose of amending and correcting the list, at which time any qualified voter applying, and not previously registered, may be added. He shall give notice of the time and place of all registrations for at least ten days before each sitting, by posting written or printed notices thereof at ten or more public places in his election district. The registrar shall, at any time previous to the regular days of registration, register any voter entitled to vote at the next succeeding election who may apply to him to be registered; and he shall receive as compensation ten cents for the name so registered on days other than the regular days of registration, the same to be paid out of the county or city treasury. It shall be the duty of the registrar within five days after each sitting, to have posted at three or more public places in his election district written or printed lists of the names of all persons so admitted to registration, and at the same time to also certify to the clerk of circuit, hustings, or corporation court of the county, city, or town a true copy of such list, and to have like list posted on the day of the election at the place of voting in his election district.

And it shall be the duty of the said clerk, upon receipt of such list, to forthwith record in a suitable book, to be kept in his office for that purpose, the names of the registered voters so certified, in alphabetical arrangement.

For making and certifying such lists the registrars shall be allowed three cents for each ten words, counting initials as words, and the clerks for recording the same shall be allowed two cents for each ten words, counting initials as words, the same to be paid out of the treasury of county, city, or town.

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CHAP. 324.—An ACT to amend and re-enact section 131 of an act entitled an act to amend and re-enact sections 75 to 147, inclusive, of an act approved April 16, 1903, entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution, approved February 19, 1904.

Approved March 19, 1906.

1. Be it enacted by the general assembly of Virginia, That section one hundred and thirty-four of an act entitled an act to amend and re-enact sections seventy-five to one hundred and forty-seven, inclusive, of an act approved April sixteenth, nineteen hundred and three, entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, approved February nineteenth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§134. Every person who shall keep a livery stable in the country, and in towns of less than two thousand inhabitants, shall pay the sum of fifteen dollars, and an additional sum of fifty cents for each additional stall in excess of twenty-five, and in towns of two thousand inhabitants and over he shall pay twenty-five dollars, and an additional tax of fifty

cents for each stall therein. And herein shall be included as stalls such space as may be necessary for a horse to stand, and in which a horse may be kept. The license to keep a livery stable by the proprietor of public watering places and other places of summer resort, or any other person at such places, for six months or less, shall be one-half of the sums hereinbefore specified. Every person, for the privilege of running a single hack, carriage, cab or other vehicle for carrying passengers for hire, shall pay ten dollars, except that a license of two dollars and fifty cents only shall be imposed on persons running such conveyances solely in the country or in towns of not more than one thousand inhabitants. Every person who shall keep a feed stable for boarding horses for compensation, shall pay for such privilege five dollars in the country and in a town of less than two thousand inhabitants; and in a town or city of two thousand or over two thousand inhabitants, ten dollars. Every person for the privilege of running a conveyance of any kind for transfer of baggage, freight, furniture, or other articles of merchandise in cities and towns of two thousand inhabitants and over, shall pay for each one horse conveyance the sum of two dollars and fifty cents, and for each conveyance of two horses or more the sum of five dollars on each conveyance.

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CHAP. 325.—An ACT to amend and re-enact section 39 of an act entitled “an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution,” approved April 16, 1903.

Approved March 19, 1906.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine of an act entitled “an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section one hundred and eighty-nine of the Constitution,” approved April sixteenth, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§39. A charter heretofore granted or issued under the laws of this State, whereby none of the powers of a transportation or transmission company, or other public service corporation were conferred upon the corporation so chartered, shall not be amended so as to add to the power and privileges originally acquired by the corporation, any of the powers, rights, and privileges of a transportation or transmission or of any other public service company.

Upon the amendment of any charter, domestic or foreign, whereby its capital stock is increased, the fee to be charged on the amended charter shall be an amount equal to the difference between the amount already paid on the original charter and the amount required by this act to be paid on the maximum amount provided for in such amendment, and upon the amendment or extension of any charter, domestic or foreign, if

no fee was paid to this State on the original charter, the amount to be paid shall be the same as would have to be paid on an original charter.

Upon the amendment or extension of a charter of a transportation or transmission company, or any other public service company, in the event that the charter fee paid on the original charter and any prior amendments shall be less than the amount of charter fee required to be paid on an original charter of that character by the terms of this act, then a charter fee shall be paid on the amended charter equal in amount to the difference between the charter fee already paid on the original charter. and any prior amendments thereof and the amount required by this act to be paid on the maximum amount of authorized capital stock provided for in the charter of said corporation at the time of such amendment.

Upon the merger or consolidation of two or more corporations in the manner provided for by the laws of this State, whenever one of the corporations so merging or consolidating is a foreign corporation, then a charter fee shall be paid, as provided for in this act, upon the amount of capital stock proposed to be issued by the new or consolidated corporation taken as the maximum capital stock for the purpose of estimating said charter fee.

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CHAP. 326.—An ACT to amend and re-enact sections 1, 11, and 12 of an act entitled "an act to provide the establishment, proper construction, and permanent improvement of the public roads and landings, for building and keeping in good order and repair of all public roads, bridges, causeways, and wharves in the several counties of this State, and to repeal chapter 43 of the Code of Virginia," approved March 12, 1904.

Approved March 19, 1906.

1. Be it enacted by the general assembly of Virginia, That sections one, eleven, and twelve of an act entitled "an act to provide the establishment, proper construction, and permanent improvement of the public roads and landings, for building and keeping in good order and repair of all public roads, bridges, causeways, and wharves in the several counties of this State, and to repeal chapter forty-three of the Code of Virginia," approved March twelfth, nineteen hundred and four, be amended and re-enacted so as to read as follows:

§1. The board of supervisors of their respective counties shall have the control, supervision, management, and jurisdiction over all the county roads, causeways, and bridges, landings, and wharves erected or repaired within this State: provided, that the jurisdiction of the said boards for the purpose of establishing, altering, and maintaining roads and bridges, shall not extend over the territory embraced within the boundaries of any incorporated town which cares for its own streets and bridges.

§11. The board of supervisors shall annually levy, at the time of making the county levy, a road tax upon the property, real and personal, assessed for taxation in such county, and not included within the corporate limits of any incorporated town in such county which maintains its own streets. Such tax shall be not more than forty cents upon every one hundred dollars in value of such property, and the same shall be

collected, accounted for, and paid out on the warrant of the board as if it were a county levy. Such tax shall be applied to the building and repair of bridges, the payment of costs and damages incident to the alteration of roads or the establishment of new roads and landings, the purchase of road graders, scrapers, and all machinery, tools, wagons, carts, and teams necessary for the proper working and repair of all the roads of said county, for the support of the county chain-gang, and the payment of the road superintendent and his deputies for their services as hereinafter provided. After the payment of the aforesaid expenses, if there be any of the said fund remaining unexpended, the said board of supervisors may, out of said fund, purchase crushers and engines, crush stone for sale to the various road districts of its county at such price as shall be just and equitable, and macadamize such roads in said county as said board may deem necessary and proper to be macadamized at the expense of said general fund, or it may apportion the remainder of said fund, or any part thereof, among the several magisterial districts of its county, in proportion to the amount of road tax paid by each district to the county fund, to be expended in working, keeping in order, and repairing the public roads in such district. The said board of supervisors may purchase any grader, scraper, wagon, cart, tools, teams, and harness which are owned by any road district in its county, at a fair and just price, to be paid out of said general fund, and such price so paid shall be expended in working, keeping in order, and repairing the public roads in said district.

§12. The board of supervisors of each county shall annually levy, at the time of making the county levy, a road tax upon the property, real and personal, assessed for taxation in the several magisterial districts of their county and not embraced within the corporate limits of any incorporated town in such county which maintains its own streets, which shall be applied to the working, keeping in order, and repairing the public roads in such district. Such tax shall be not more than forty cents upon every one hundred dollars in value of such property, and the same shall be collected, accounted for, and paid out on the warrant of the board as if it were a county levy, except that the fund collected from each magisterial district shall be kept separate by the county treasurer, and a different rate of tax may be prescribed for different districts in the same county. The amount collected in each district, together with the amount apportioned to each district under the provisions of the preceding section, shall be expended therein: provided, that when the board of supervisors decide to levy a tax under this and the preceding section exceeding a total of thirty cents on the one hundred dollars' worth of property, then before such tax shall be levied the question as to such tax shall be submitted to the people of the county or district affected as to whether such tax shall be levied; such election shall be held under the provisions of law in regard to the issuance of bonds for road purposes, except that upon the ballot used shall be printed "for increase of road tax" and "against increase of road tax": and provided, that no voter whose residence in a town exempts him from said tax shall be allowed to vote on said question.

CHAP. 327.—An ACT to amend and re-enact section 30 of chapter 5, of an act entitled "an act concerning corporations," which became a law on the 21st day of May, 1903.

Approved March 20, 1906.

1. Be it enacted by the general assembly of Virginia, That section thirty of chapter five of an act entitled an act concerning corporations, which became a law on the twenty-first day of May, nineteen hundred and three, be amended and re-enacted so as to read as follows:

§30. Whenever, in the judgment of the board of directors, it shall be deemed advisable, and for the benefit of any corporation organized under this act, or under any charter heretofore granted by any court or by the general assembly of Virginia, that it shall be dissolved, the board, within ten days after the adoption of a resolution to that effect by a majority of the whole board, at any meeting called for that purpose, of which meeting notice, by publication at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in or near the place where its principal office is located, or notice shall be given in person or shall be mailed to every director, at least three days prior to such meeting, shall cause notice of the adoption of such resolution to be mailed to each stockholder of record; and also, beginning within the said ten days, cause a like notice to be published in a newspaper published in the county or city wherein the corporation shall have its principal office; but if there be no such newspaper published in said county or city, then in a newspaper published in a county or city convenient to the county or city in which said principal office is located, at least once a week for four successive weeks next preceding the time appointed for the same, of a meeting of the stockholders to be held at the principal office of the corporation, to take action upon the resolutions so adopted by the board of directors, and which meeting may on the day so appointed by the consent of the majority in interest of the stockholders present, be adjourned from time to time; and if, at any such meeting, or adjourned meeting, two-thirds in interest of the stockholders shall consent that a dissolution shall take place, and signify their consent in writing, given either in person or by proxy, such consent, together with a list of the names and residences of the directors and officers, certified by the president, secretary, and treasurer, shall be filed in the office of the clerk of the State corporation commission, and the commission, upon being satisfied by due proof that the requirements of this act have been complied with, shall issue a certificate that such consent has been filed, and thereupon the said corporation shall stand dissolved, and the board shall proceed to settle up and adjust its business and affairs. Whenever all the stockholders shall consent to the dissolution, no meeting or notice thereof shall be necessary, but on filing the said consent in the office of the State corporation commission, the said commission shall issue a certificate of dissolution, and the said corporation shall thereupon stand dissolved, and the said board shall proceed to settle up and adjust the business and affairs of the said corporation: provided, however, that no such dissolution shall effect the rights

of any creditor of the said corporation existing at the time of such dissolution.

In the case of a corporation having no capital stock, the directors, managers, trustees, or other governing board, shall take the action hereinbefore required of the board of directors, and the members of the corporation such action as is hereinbefore required of the stockholders.

All corporations, whether they expire by their own limitation or are otherwise dissolved, shall, nevertheless, be continued for such length of time, not exceeding three years, from such dissolution or expiration, as may be necessary for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their business, to dispose of and convey their property, and to divide their capital, but not for the purpose of continuing the business for which said corporations shall have been established. If the affairs of any such corporation shall not be wound up by its directors within three years from such dissolution or expiration, they shall be wound up in the manner provided by section thirty-two of this act.

At any time within three years from the dissolution or expiration of any such corporation, whether heretofore or hereafter dissolved or expired, if said corporation is not in the hands of a receiver, and if its directors have not succeeded in making disposition of its properties, or have not disposed of some part of same essential to the exercise of the franchise it possessed, said corporation may apply for and obtain a new charter in the manner following:

The board of directors, or stockholders, holding not less than one-tenth of the stock of the corporation, shall call a meeting of the stockholders, the meeting to be held upon notice by publication at least six times a week for two successive weeks prior to said meeting in some newspaper published in or near the place where the principal office of said corporation is located, or upon notice in writing to each of the stockholders, to be served on him personally or by mailing the same to him at his last known postoffice address at least ten days prior to said meeting, which notice must state the time and place of said meeting, and its object. If at any such meeting, or any adjournment thereof, two-thirds in interest of all the stockholders, in person or by proxy, shall vote in favor of obtaining said new charter, a certificate shall be executed and acknowledged by persons chosen for that purpose by the stockholders in said meeting in the same manner and form and setting forth the same facts as the certificate required and authorized by this act to be executed and filed to obtain a charter for a similar corporation. The name and powers of the corporation set out in said certificate shall be the same as the name and powers of the dissolved or expired corporation. The amount of the capital stock shall be the same as the capital stock of said dissolved or expired corporation. Said certificate shall further set forth the fact that application is made for said charter for the purpose of continuing the corporate existence and powers of said dissolved or expired corporation, and in pursuance of a vote of two-thirds in interest of all stockholders, in person or by proxy, at a meeting duly called to consider the application for a new charter.



When properly signed and acknowledged, the said certificate, together with a receipt showing the payment of the fee, if any, required by law to be paid to the State upon the charter, may be presented to the State corporation commission, which shall ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter applied for, and shall issue or refuse the same accordingly, but it shall not issue the charter unless said applicants produce before the commission receipts showing the payment of the registration fee and franchise tax and any other dues to the State for all the years since the granting of a charter in the first instance.

If the charter be issued, the said certificate, with the order thereon of the State corporation commission, shall forthwith be certified as required by law to the secretary of the Commonwealth for recordation. And when the said writing, with the order of the commission thereon, shall be lodged in the office of the secretary of the Commonwealth, the corporate existence and powers of said corporation shall be at once revived and continued, and shall thereafter be held by said corporation in all respects in accordance with the terms of the said new charter issued by the State corporation commission in pursuance of said certificate and the general laws governing such corporations. No organization or other meeting of the stockholders shall be necessary, and the persons named as directors shall continue as such until changed in the manner prescribed by the by-laws, which, as well as the common seal, shall be and remain, until properly changed, those possessed by said corporation before dissolution or expiration, and all acts of the stockholders, directors, officers and agents of the corporation subsequent to said dissolution or expiration shall be as valid and effective for all purposes and as to all persons, and as binding upon said corporation as if its corporate existence had never been suspended for any purpose, whether said acts were done or performed before or after the said new charter was procured, and said corporation shall succeed to all the rights, assets, and liabilities of said dissolved or expired corporation. In making reports to the State corporation commission, and in all matters between such corporation and the State, the said new charter obtained in accordance with the provisions hereof shall be deemed to be the charter of the corporation and the date of filing and recording the application for said new charter shall be construed to be the date of filing and recording the articles of association of such corporation.

Nothing in this section, however, shall be construed to in any way impair the rights of creditors of the corporation applying for said renewal of its charter, nor to abate any proceedings instituted by said creditors, except that, after the granting of said new charter, the period prior thereto during which the operations of the corporation were suspended shall not be ground for any new proceedings to attack the corporate existence of said corporation.

I, Jno. W. Williams, Clerk of the House of Delegates of Virginia, do hereby certify that the session of the General Assembly of Virginia at which the Acts of Assembly herein printed were enacted, adjourned *sine die* on March 15, 1906.

JNO. W. WILLIAMS,  
Clerk of the House of Delegates of Virginia.

## TIME FOR THE COMMENCEMENT OF THE REGULAR TERMS OF THE CIRCUIT COURTS OF VIRGINIA.

The subjoined list is published in accordance with the order of the Supreme Court of Appeals of Virginia and the opinion of the Attorney General of Virginia, both of which are as follows:

### VIRGINIA:

At a Special Session of the Supreme Court of Appeals, held at  
the State Library Building in the City of Richmond, on Wed-  
nesday, the 11th day of April, 1906.

R. Carter Scott, Judge of the Tenth Judicial Circuit .....Plaintiff  
against  
John W. Williams, Clerk of the House of Delegates and Keeper of  
the Rolls of Virginia, and Davis Bottom, Superintendent of Public  
Printing .....Respondents

Upon a petition for a peremptory writ of mandamus to compel John W. Williams, Clerk of the House of Delegates, and as such Keeper of the Rolls of Virginia, and Davis Bottom, Superintendent of Public Printing, to insert in the table they will publish in the volume of the Acts of 1906, showing the commencement of the regular terms of the Circuit Courts of this State, the terms of the Tenth Judicial Circuit as set out in the act of the General Assembly, approved March 15, 1904 (Acts 1904, chapter 229, p. 335), to-wit:

#### "Tenth Circuit

3059j. Henrico—First Monday in January, April, July and October.  
City of Richmond—First Monday in February, May and  
November."

This day came again the parties by counsel, and the court having maturely considered the petition of the plaintiff, the exhibit filed therewith, and the demurrer and answer of the respondents, is of opinion, that the act approved March 14, 1906, fixes the time for holding the terms of the Sixteenth Judicial Circuit only, and does not apply to the Tenth Circuit or any one of the other Circuits of this Commonwealth; the time for holding the several terms of the Circuits other than the Sixteenth being regulated by the act approved March 15, 1904. (Acts 1904, ch. 229, p. 335.)

It is therefore considered that a peremptory writ of mandamus issue, directed to John W. Williams, Clerk of the House of Delegates, and as such Keeper of the Rolls of Virginia, and Davis Bottom, Superintendent of Public Printing, requiring them to insert in the volume of the Acts of 1906, tables showing the commencement of the regular terms of the Circuit Courts of this State in conformity with the view expressed in this order.

And it is further ordered that the service of a copy of this order upon the said respondents shall have the same effect as service of a peremptory writ of mandamus.

A Copy—Teste:

H. STEWART JONES, C. C.

May 3rd, 1906.

HON. WILLIAM A. ANDERSON,

*Attorney General, Richmond, Va.*

DEAR SIR:

In obeying the peremptory writ of mandamus issued by the Supreme Court of Appeals on the 11th day of April, 1906, in the case of R. Carter Scott, Judge of the Tenth Judicial Circuit, against John W. Williams, Clerk of the House of Delegates and Keeper of the Rolls of Virginia, and Davis Bottom, Superintendent of Public Printing, will you kindly advise us whether we shall publish the new circuits as provided in the act approved March 9, 1906, with the times for holding the terms in the several counties and cities as provided in the act approved March 15, 1904, except as to the counties and cities composing the Sixteenth Judicial Circuit; or, shall we publish the circuits in accordance with the act approved March 15, 1904, changing the counties and cities composing the Sixteenth Judicial Circuit in accordance with the act approved March 14, 1906?

Respectfully,

JNO. W. WILLIAMS,

*Clerk House of Delegates and Keeper of the Rolls of Virginia.*

DAVIS BOTTOM,

*Superintendent of Public Printing.*

OFFICE OF ATTORNEY-GENERAL OF VIRGINIA,

RICHMOND, May 4, 1906.

JOHN W. WILLIAMS, ESQ.,

*Clerk of the House of Delegates*

*and Keeper of the Rolls of Virginia,*

and

DAVIS BOTTOM, ESQ.,

*Superintendent of Public Printing.*

GENTLEMEN:

In response to your favor of the 3rd instant, I beg leave to say that, under the peremptory mandamus awarded by the Supreme Court of Appeals of the State against you on the 11th day of April, 1906, at the suit of the Honorable R. Carter Scott, Judge of the Tenth Judicial Circuit of Virginia, and under the decision of the court in that case as applied to the existing statutes, I would advise that in the schedule of the terms of courts required by law to be published as an appendix to the acts of assembly for 1906, you publish the new circuits as provided in the act approved March 9, 1906 (Acts 1906, chapter 117), with the times for holding the terms in the several counties and cities as provided in the act approved March 15, 1904, except as to the counties and cities composing the sixteenth judicial circuit.

Very truly yours,

WILLIAM A. ANDERSON.

## CIRCUITS AND TERMS.

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### FIRST CIRCUIT.

*Norfolk County*—The first Monday in January, February, March, April, May, June, July, October, November, and December.

### SECOND CIRCUIT.

*Nansemond*—On the second Monday in January, March, May, July, and October.

*Southampton*—On the third Monday in January, March, May, July, and October.

*City of Norfolk*—On the second Monday in February, April, June, and November.

### THIRD CIRCUIT.

*Prince George County*—Third Tuesday in January, March, May, September, November, and July sixth.

*Surry County*—Fourth Tuesday in January, March, May, September, November, and July twelfth.

*Sussex County*—First Tuesday in January, March, May, September, November, and July first.

*Greensville County*—First Tuesday in February, April, June, October, and December.

*Brunswick County*—Third Tuesday in February, April, June, and October.

### FOURTH CIRCUIT.

*Amelia*—Fourth Thursday in January, March, May, August, October, and December.

*Chesterfield*—Second Monday in February, April, June, September, and November.

*Dinwiddie County*—Third Monday in January, March, May, August, October, and December.

*Nottoway County*—First Thursday in January, March, May, August, October, and December.

*Powhatan County*—First Monday in February, April, June, September, and November.

*City of Petersburg*—June fifth and December the fifth.

### FIFTH CIRCUIT.

*Appomattox County*—First Monday in February, second Monday in May, fourth Monday in July, and second Monday in November.

*Charlotte County*—First Monday in January, March, May, July, September, and November.

*Cumberland County*—Tuesday after fourth Monday in January, April, June, and November.

*Prince Edward County*—Third Monday in March, May, September, and November.

## SIXTH CIRCUIT.

- Lunenburg County*—Second Monday in April, June, October, and December.  
*Mecklenburg County*—Third Monday in February, April, June, August, October, and December.  
*Halifax County*—Fourth Monday in January, March, May, July, September, and November.  
*Campbell County*—Second Monday in January, March, May, July, September, and November.  
*City of Lynchburg*—Third Monday in January, March, May, September, and November.

## SEVENTH CIRCUIT.

- Pittsylvania County*—Second Monday in February, third Monday in April, third Monday in June, second Monday in August, fourth Monday in October, and third Monday in December.  
*Franklin County*—March tenth and first Monday in June, September tenth, and December fifth.  
*Henry County*—Second Monday in January, first Monday in April, second Monday in July, and first Monday in October.  
*Patrick County*—Tuesday after the fourth Monday in February, May, August, and November.  
*City of Danville*—March twenty-fifth and September twenty-fifth.

## EIGHTH CIRCUIT.

- Madison*—First Monday in February, April, June, August, October, and December.  
*Greene*—Third Monday in February, April, June, August, October, and December.  
*Albemarle County*—First Monday in February, April, June, August, October, and December.

## NINTH CIRCUIT.

- Culpeper*—Third Monday in January, March, May, July, September, and November.  
*Orange*—Fourth Monday in January, March, May, July, September, and November.  
*Louisa*—Second Monday in January, March, May, July, September, and November.  
*Goochland County*—Third Monday in January, March, May, July, September, and November.

## TENTH CIRCUIT.

- Henrico*—First Monday in January, April, July, and October.  
*City of Richmond*—First Monday in February, May, and November.

## ELEVENTH CIRCUIT.

*Accomac*—First Monday in January, March, May, July, September, and November.

*Northampton*—Second Monday in January, March, May, July, September, and November.

*Elizabeth City*—Third Monday in January, March, May, July, September, and November.

*City of Newport News*—First Monday in February, April, June, August, October, and December.

## TWELFTH CIRCUIT.

*Richmond County*—First Monday in January, March, May, July, September, and November.

*Northumberland*—Second Monday in February, April, June, August, October, December.

*Lancaster*—Third Monday in January, March, May, July, September, November.

*Westmoreland*—Fourth Monday in February, April, June, August, October, December.

*Essex*—Third Monday in February, April, June, August, October, December.

## THIRTEENTH CIRCUIT.

*Gloucester*—First Monday in January, March, May, July, September, November.

*Mathews*—Third Monday in January, March, May, July, September, November.

*King and Queen*—Second Tuesday in February, April, June, August, October, December.

*King William*—First Tuesday in February, April, June, August, October, December.

*Middlesex*—Tuesday after the fourth Monday in January, March, May, July, September, November.

## FOURTEENTH CIRCUIT.

*New Kent*—Second Thursday in January, March, May, July, September, November.

*Charles City*—Third Thursday in February, April, June, August, October, December.

*York*—First Tuesday in February, April, June, August, October, December.

*Warwick*—Second Monday in January, March, May, July, September, November.

*City of Williamsburg and James City*—Second Monday in February, April, June, August, October, December.

## FIFTEENTH CIRCUIT.

*King George*—First Thursday in January, March, May, July, September, November.

*Stafford*—Second Monday in January, March, May, July, September, November.

*Spotsylvania*—First Monday in February, April, June, August, October, December.

*Caroline*—Second Monday in February, April, June, August, October, December.

*Hanover*—Third Monday in January, March, May, July, September, November.

## SIXTEENTH CIRCUIT.

*Prince William*—First Monday in February, April, June, August, October, December.

*Fairfax*—Third Monday in January, March, May, July, September, November.

*Alexandria*—Third Monday in February, April, June, October, December.

*City of Alexandria*—First Monday in January, May, September, and November.

## SEVENTEENTH CIRCUIT.

*Frederick*—First Monday in February, April, June, August, October, December.

*Clarke*—Fourth Monday in January, March, May, July, September, November.

*Warren*—First Monday in January, March, May, July, September, November.

*Shenandoah*—Second Monday in January, March, May, July, September, November.

## EIGHTEENTH CIRCUIT.

*Rockbridge*—Second Monday in February, April, June, August, October, December.

*Augusta*—Fourth Monday in February, April, June, August, October, December.

## NINETEENTH CIRCUIT.

*Alleghany*—February first, April first, June fifteenth, September fifteenth, December fifteenth.

*Bath*—Twentieth day of March, May, July, November.

*Botetourt*—March first, June first, August twenty-fifth, December first.

*Craig*—Twentieth of February and tenth of May and October.

*Highland*—Fourth Tuesday in April, July tenth, November tenth.

## TWENTIETH CIRCUIT.

*Bedford*—First day of March, September, and December, and tenth day of June.



*City of Roanoke*—Fifteenth day of March, May, September, and December.  
*Montgomery*—February fifth and first day of May, July, October.  
*Roanoke*—January first, April first, June first, November fifteenth.  
*Floyd*—The eighteenth day of February, sixteenth day of April, July, October.

## TWENTY-FIRST CIRCUIT.

*Wythe*—Second Monday in January, April, August, first Monday in November.  
*Pulaski*—Second Monday in February, first Monday in May and September, third Monday in November.  
*Carroll*—Tuesday after first Monday in March, Tuesday after the first Monday in May and September, Tuesday after the first Monday in December.  
*Grayson*—Tuesday after third Monday in March, Tuesday after first Monday in June, Tuesday after second Monday in October, Tuesday after second Monday in December.

## TWENTY-SECOND CIRCUIT.

*Giles*—First Monday in February, second Monday in May, fourth Monday in September.  
*Bland*—Second Monday in March, July, and third Monday in October.  
*Tazewell*—Third Monday in February, fourth Monday in May, August, and November.

The judge may designate one of the terms of court of Tazewell county at which only criminal cases shall be tried.

## TWENTY-THIRD CIRCUIT.

*Washington*—Fourth Monday in January, March, May, November, third Monday in September.  
*Smyth*—Third Monday in February, April, August, October, December.

## TWENTY-FOURTH CIRCUIT.

*Lee*—Third Monday in February, May, September; second Monday in December.  
*Wise*—First Monday in January, April, August, November.  
*Dickenson*—Third Monday in March, July, October; fourth Monday in January.

## TWENTY-FIFTH CIRCUIT.

*Rockingham*—Third Monday in January, March, May, July, September, and November.  
*Page*—Third Monday in February, April, June, August, October, and December.

## TWENTY-SIXTH CIRCUIT.

*Rappahannock*—Second Monday in February, April, June, August, October, and December.

*Fauquier*—Fourth Monday in January, March, May, July, September, and November.

*Loudoun*—Second Monday in February, April, June; third Monday in August; second Monday in October and December.

## TWENTY-SEVENTH CIRCUIT.

*Buchanan*—Tuesday after fourth Monday in March, July, and Tuesday after second Monday in December.

*Russell*—Tuesday after first Monday in January, March, May, September, and November.

*Scott*—First Monday in February, May, September; fourth Monday in November.

## TWENTY-EIGHTH CIRCUIT.

*Isle of Wight*—First Monday in March, June, October, and December.

*Princess Anne*—Third Monday in January, March, May, July, September, and November.

*City of Portsmouth*—Fourth Monday in March and September.

## TWENTY-NINTH CIRCUIT.

*Amherst*—Third Monday in February, April, June, August, October, and December.

*Nelson*—Fourth Monday in January, March, May, July, September, and November.

*Buckingham*—Tuesday after second Monday in February, April, June, and October.

*Fluvanna*—Fourth Monday in February, April, June, August, October, and December.

## TIMES FOR THE COMMENCEMENT OF THE REGULAR TERMS OF THE CORPORATION COURTS OF VIRGINIA.

CITY.	MONTHLY TERM.
Alexandria city.....	Second Monday.
Pristol .....	
Buena Vista.....	Second Monday in February, June, August, October, and December; third Monday in April.
Charlottesville .....	Third Monday.
Danville .....	First Monday.
Fredericksburg .....	First Thursday except August, and second Thursday in September.
Lynchburg .....	First Monday.
Manchester .....	Third Monday, except August.
Newport News .....	Fourth Monday in each month, except August.
Norfolk city:	
Hustings Court.....	First Monday.
Chancery Court....	Third Monday in each month.
Petersburg .....	Third Thursday.
Portsmouth .....	First Thursday after first Tuesday.
Radford .....	Second Monday.
Richmond city:	
Hustings Court....	First Monday except September, in which month com- mences on 20th.
Chancery Court....	First Monday in January, April, June, and October.
Law & Equity Court.	Second Monday in February, May, September, and December.
Roanoke city.....	First Monday, except August. No court August.
Staunton .....	Thursday after first Monday.
Winchester .....	Third Monday, except August.

## TIMES FOR THE COMMENCEMENT OF THE REGULAR TERMS OF THE SUPREME COURT OF APPEALS OF VIRGINIA.

RICHMOND—First Tuesday in November.

WYTHEVILLE—First Tuesday in June.

STAUNTON—First Tuesday in September.

PLACES AT WHICH SEPARATE POLLS HAVE BEEN ESTABLISHED IN EACH COUNTY AND OF THE  
WARDS IN THE SEVERAL CITIES.

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**ACCOMACK**—Chincoteague Islands, Greenbackville, New Church, Temperanceville, Hall's Store, Saxes, Nappsville, Bloxom, Newtown, Parksley, Courthouse, Onancock, Tangier Islands, Pungoteague, Wachapreague, Hawk's Nest, Belle Haven.

**ALBEMARLE**—Batesville, Blackwells, Courthouse, Carter's Bridge, Covesville, Earlysville, Free Union, Howardsville, Hillsborn, Ivy, Keswick, Lindsay's, Monticello, Metton, North Garden, Owensville, Proffitt, Porter's, Stony Point, Scottsville, Wingfields, White Hall, Alberene.

**ALEXANDRIA**—Ballston, Four-Mile Run, Carne School.

**ALLEGHANY**—Clifton Forge, Jackson River, Longdale, Iron Gate, Rechpatch, Peter's Switch, West Clifton Forge, Covington, Dunlap, Griffith's, Aritt's, Clift, Damrons.

**AMELIA**—Amelia Courthouse, Wilkerson's Shop, Chula, Deatonsville, Paineville, Jetersville, Mannboro, Namozline, Bridgforth's Mill.

**AMHERST**—Courthouse, Riverville, Hicks, Temperance, Fancy Hill, New Glasgow, Pedlar Mills, Naola, Furnace, Chestnut, Allwood, Oronoca, Elon, Magruder's, Madison, Wright's Shop, Monroe.

**APPOMATTOX**—Courthouse, Chop, Cheatwood, Clover Hill, Walker's Church, Pamplins, Stonewall, Oakville, Agee's.

**AUGUSTA**—Sandy Hollow, Peaco's Mill, Bolivar, Folly Mills, Arbor Hill, Burnett, Mount Solon, Sangersville, Parnassus, Spring Hill, Centerville, Roman, New Hope, Mt. Sidney, Mt. Meridian, Verona, Crimora, Burks' Mill, Hermitage, Laurel Hill, Harriston, Waynesboro, Basic City, Fishersville, Stuart's Draft, Sherando, Greenville, Middlebrook, Spotswood, Newport, Buffalo Gap, Deerfield, Craigsville, Kershner's Mill, Churchville, Pond Gap.

**ALEXANDRIA**—Courthouse, Friendship.

**BATH**—Warm Springs, Mountain Grove, Hickman's School-House, Cleek's Mills, Healing Springs, Cedar Creek, Glover's Mills, Crawford's Mill, Carpenter's School-House, Cloverdale, Fair View, Millboro Springs, Sitlington.

**BEDFORD**—North Liberty, South Liberty, Bunker Hill, Blount, Peaksville, Thaxton, Patterson's Mill, Hall's Mill, Bufordsville, Hogan's Store, Chamblissburg, Stewartsville, Goodview, Emaus, Cedar Hill, Bourd's Store, Fancy Grove, Valley Mills, White Rock, Lone Gum Franklin Store, Otter Hill, Pollard's Store, Everett's Store, Woode, Forest Depot, Perrowville, Bigbie's Shop, Cove, Big Island, Charlemont, Curtis.

**BLAND**—Boghis School-House, Bishop's, Rocky Gap, Davis, Mechanicsburg, Point Pleasant, Ceres, Sharon, Seldon.

**BOTETOURT**—Courthouse, Oriskany, Eagle Rock, Gala, Lick Run, Glen Wilton, Town Hall, Asbury, Vandegrift's Shop, Amsterdam, Cloverdale, Troutville, Brugh's Mill, Glade Creek, Coyner's, Rocky Branch, Buchanan, Lithia, Arch Mills, Springwood, Jennings's Creek, Roaring Run.

**BRUNSWICK**—Lawrenceville, Poarch and Ross, Smoky Ordinary, Sturgeonville, Trotter's Store, Edmund's Store, Elmore's Store, Brodnax, Tillman's Rock Store, Phipp's, Drumgoole's, Butler's.

**BUCHANAN**—Grundy, State, Prater, Contrary, Hurricane, Whitt Place, Rock Lick, Knox.

**BUCKINGHAM**—Maysville, Wright's, Spencer's Store, Glenmore, New Store, Curds-ville, White Hall, Red Mills, New Canton, Gold Hill, Damson's, Well Water.

**CITY OF BRISTOL**—Bristol City.

**CITY OF BUENA VISTA**—First Ward, Second Ward.

**CAMPBELL**—Courthouse, Concord, Mt. Zion, Brookneal, Hat Creek, Morgan's Mill, Mike, Pigeon Run, Marysville' Castle Craig, Lynch's, Leesville, New London, Evington, Rolling Mill, Black Water, Flynus Kings, West Lynch-burg.

**CAROLINE**—Bowling Green, Shermansville, Sparta, White's, Gouldman's, Port Royal, Moss Neck, Guiney's, Madison, Cedar Fork, Balty, Reedy Church, Bowers.

**CARBOLL**—Courthouse, Little Vine, Lindsey's, Quesenberry's, Courthouse (Laurel Fork District), Fermont, Snake Creek, Nester's, Turner's, Smith's Mill, Strickland's, Wisler's, Hawk's, Courthouse (Piper's Gap District), Beamer's, Woodlawn, Castle Hill, Hank's, Courthouse (Sulphur Springs District), Mt. Zion, Hebron, Blair, Springs, McGee's Mill.

**CHARLOTTE**—Scott's Store, Aspinwall, Priddy's Store, Keysville, Courthouse, Clements, Wyllinburg, Red Oak, Smith Tavern, Harvey's Store, Midway.

**CHARLES CITY**—Harrison, Tyler, Chickahomony.

**CHESTERFIELD**—Swansboro, Oak Grove, Pulliam's Store, Bon Air, Midlothian, Homer's Store, Winterpock, Skinquarter, Winfrey's Store, Matoaca, Et-tricks, Chester, Eyler's Store, Courthouse.

**CLARKE**—White Post, Lindsay's Millwood, Morgan's Mill, Shenandoah, Battle-town, Mt. Airy, Russell's, Pierce's.

**CRAIG**—Courthouse, Barber's Creek, Paint Bank, McGuire's Store, Marshall's Store, Ammendale, Healing Springs, Givens & Reynold's Store, Forks, John's Creek.

**CULPEPER**—East, West, Jeffersontin, Rixeyville, Mitchell's, Brown's Store, El-dorado, Brandy, Stevensburg, Lignum, Richardsville.

**CUMBERLAND**—Brown's Church, Courthouse, Flippen's Mill, Bush Park, Flana-gan's Mill.

**CITY OF CHARLOTTESVILLE**—First, Second, Third, and Fourth.

**DINWIDDIE**—Brookland, Cherry Hill, Church Road, Dinwiddie Courthouse, Darvills, Malone's, Monk's Neck, New Hope, Oak's Grove, Ritcheville, Ream's, Rocky Run, Sutherland, White Oak, Westboro.

**DANVILLE CITY**—Six wards.

**ELIZABETH CITY**—Fox Hill, East End, Phœbus, Wythe, Hampton.

**ESSEX**—Loretta, Lloyd's, Enterprise, Tappahannock, Howerton's, Centre Cross.

**FRANKLIN**—Rocky Mount, Snow Creek, Sydnorsville, Calloway, Helms, Boon's Mill, Long Branch, Providence, Young Store, Glade Hill, Pen Hook, Dickinson, Union Hall, Taylor's Store, Hatcher's, Brook's Mill, Lynville, Laughon, Bowman's.

**FAIRFAX**—Centreville, Clifton, Swetnam's, Well's Store, Burke's, Baylis, Woodyards, Accotink, Pulman's, Gum Spring, Moore's, Falls Church, West End, Anandale, Fairfax Courthouse, Langley, Vienna, The Lick, Dranesville, Herndon, Forestville, Thompson's, Thornton's.

**FAUQUIER**—Orlean, Feery Run, Marshall, Hume, Paris, Upperville, Rector-town, Landmark, The Plains, New Baltimore, Warrenton, Morrisville, Bealeton, Remington, Auburn, Catlett's, Culverton, Bristersburg, White Ridge.

**FLOYD**—Copper Hill, Weaver's, Locust Grove, Harman's, Furtle Rock, Court-house, Booth's Mill, Stuart's School-House, Indian Valley, Barringer, Hyl-ton.

**FLUVANNA**—Palmyra, Centre Hill, Wilmington, Kent's Store, Columbia, Fork Union, Bramhams, Cunningham, Kidd's Store, Tutwiler's Store, Good-son's.

**FREDERICK**—Neffstown, Brucetown, White Hall, Gainesboro, Baker's Mill, Do-lans, Ashton's, Yeakley's, Gore, Lamps, Russell's, Dry Run, Middletown, Old Forge, Newtown, Canter's, Kernstown, Carper's Valley, Greenwood.

**FREDERICKSBURG CITY**—Upper, Lower.

**GRAYSON**—Independence, Elk Creek, Comer's Rock, Old Town, X-Roads, Fair-view, Cherry Grove, Fries, Bridle Creek, Mouth of Wilson, Pugh Place, White Top, Trout Dale, North Corner, Potato.

**GREENE**—Monroe, Stanardsville, McMullan, Ruckersville.

**GREENESVILLE**—Belfield, Trotter's Store, Hicksford, Ryland's, Moss, Taylor's Mill.

**GILES**—Pearlsburg, Narrows, Burton's Mill, Glen Lyn, Eggleston, Poplar Hill, White Gate, Sugar Run, Staffordsville, Pembroke, Hatfield, New River, Newport.

**GLOUCESTER**—Glenn's, Wood's X-Roads, Hornet's Nest, Sassafras, Trevilian's, Tabb's Store, Courthouse, Bel Roi, Hicory Fork, Hayes' Store, Achilles, Stonewall.

**GOOCHLAND**—Bowles' Store, Ford's Store, Deitrick's Store, Goochland Court-house, Rockets, Three Square, Watkinsville, Caladonia, Snead's Store, Trice's Store, Tabscott.

**HANOVER**—Creed Harbor, Rural Point, Clay, Ashland, Rockville, Blunt's, Hall's Shops, Higgason.

**HALIFAX**—Courthouse, South Boston, Clay's Mill, Scotsburg, Mt. Laurel, Cross-Roads, Clover, Dryburg, Mt. Carmel, Brandon, Black Walnut, Hyco, Mayo, Vernon Hill, News Ferry, Brooklyn, Whitlock, Birch, Pace's, Red Bank, Omega, Midway, Republican Grove, Barksdale, Bryan, Martin's Store, Meadville, Locust Level.

**HENRICO**—Whitlock's, Town Hall, Carter's, Baker's, Seven Pines, Hardin's Shop, Howard's Grove, Jones, Chestnut Hill, Bruns, Hungary, Shoe-maker's, Westhampton, Ridge Church, Short Pump, Barton Heights.

**HENRY**—Martinsville, Mayo, Spencer, Gunville, Horse Pasture, Scott's, Ridge-way, Oak Level, Bassett, Ironside, Figsboro, Axton, Leatherwood, Mount Valley, Irisburg.

**HIGHLAND**—Ruckman's School-House, Hevener's, New Hampden, Courthouse, Wilson's Mill, Bethlehem, Pullin's School-House, Stuart's Mill.

- ISLE OF WIGHT—Baker's Store, Burwell's Bay, Courthouse, Zuni, Carrollton, Longview, Orbit, Smithfield, Carrsville, Mount Carmel, Windsor.
- JAMES CITY—Jamestown No. 1, Jamestown No. 2, Stone House, Chickahominy.
- KING AND QUEEN—Buena Vista, Little Plymouth, Stevensville, Curilton Store, Clark's, Newton.
- KING GEORGE—Courthouse, Passapatanky, Hampstead, Shiloh.
- KING WILLIAM—Mangohick, Beulahville, Manquin, Courthouse, Lanesville, West Point.
- LANCASTER—Kilmarnock, Irvington, Weem's White Store, Little Bay, Litwalton, Corrolomon, Lancaster.
- LEE—Bale's Mill, Bale's Forge, Blackwater, Bishop's Store, Dryden, Dixie, Hunter's Gap, Hurst Store, Jonesville, Morgan's Store, Pennington Gap, Stickleyville, Salem, Sulphur Springs, Turkey Cove.
- CITY OF LYNCHBURG—First Ward, Second Ward, Third Ward.
- LOUDOUN—Leesburg, Luckett's, Lovettsville, Taylorstown, Water's, Bolington, Hamilton, South Purcellville, Snickersville, Silcott's Springs, Mt. Gilead, Lincoln, Hughesville, Philamont, Waterford, Hillsboro, Purcellville, Irine, Round Hill, Union, Middleburg, Aldie, Mountville, Powell's Shop, Gumspring, Farmwell, Guilford, Waxpool, Lenah.
- LOUISA—Zion, Trevilian's, Bell's Cross-Roads, Louisa Courthouse, Terrell, Thompson Cross-Roads, Cuckoo, Fred Hall, Centreville, Shelton Mill, Jackson's, Bumpass.
- LUNENBERG—Lewiston, Knight and Oliver, Pleasant Grove, Meherrin, Rehoboth, Plantersville, Brown's Store, Lochleven, Columbian Grove.
- MADISON—Criglersville, Dulensville, Graves' Mill, Madison Courthouse, Nethers, Oak Park, Rochelle, Wolfstown.
- MATHEWS—Battery, Courthouse, White's Neck, Gwynn's Island, Hookimfair, Cobb's Creek, Port Haywood.
- MECKLENBURG—Boydton, Baskerville, Fenchley, Gillespie's Store, Abbyville, Clarksville, Averett, Buffalo Lithia Springs, Pearson's Store, Wright's Store, Lacrosse, Hagood's Store, Smith's Store, Edmondson Old Store, Chase City, Smith's Cross-Roads.
- MIDDLESEX—Jamacla, Saluda, Free Shade, New Market.
- MONTGOMERY—Christiansburg, Guerrant's, Shawsville, Alleghany Springs, Big Spring, Kirby's Mill, Auburn, Harman's, Grayson's Mill, Blackburn, Price's Fork, Long's Shop, Crumpecker's.
- MANCHESTER—First, Second, Third, and Fourth Wards.
- NANSEMOND—Suffolk, Copeland Mill, Holy Neck, Kilby Mill, Cypress, Paul's Branch, Somerton, Chuckatuck, Ebenezer, Myrtle Junction, Yeate's.
- NELSON—Lovingston, Elmington, Arrington, New Market, Gladstone, Buff Ridge, Roseland, Massie's Mill, Lowesville, Montebello, Forks, Fober's, Poplar, Grape Lawn, Slaughter's, May's Store, Mauris' Store, Pamplin.
- NEW KENT—Quinton, Talleyville, Courthouse, Barhamsville.
- NORFOLK—Bethel, Bell's Mill, Hall's Corner, Glebe, Bower's Hill, Churchland, West Berkley, East Berkley, Oak Grove, Huntersville, Zion's Church, Cross-Roads, Deep Creek, Indian Creek, Hickory Grove.
- NORTHAMPTON—Capeville, Cape Charles, Bay View, Eastville, Johnstown, Franktown, Wardtown, Hog Island.

- NORTHUMBERLAND**—Scotsburg, Heathville, Burgess' Store, Tignor's Store, Reedville, Wiconico Church, Harvey's Wharf.
- NOTTOWAY**—Blackston, Burkeville, Crewe, Jeffress Store, Nottoway Courthouse, Spainville.
- CITY OF NEWPORT NEWS**—First Ward, Second Ward Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, Seventh Ward.
- CITY OF NORFOLK**—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, Seventh Ward.
- ORANGE**—Orange, Gordonsville, Barboursville, Rhoadesville, Woolfolk's, Halle, Locust Grove.
- PAGE**—Honeyville, Jollett, Newport, Shenandoah, Leakesville, Shirley, Marks-ville, Luray, Printz Mill, Rileyville, Springfield.
- PATRICK**—Courthouse, Pat Springs, Liberty, Stella, Penn's Store, Palmetto, Turner's Store, King's Store, Hill's School-House, Gate's Store, Bell Spur, Aker's Store, Dehart's Mill, Adams' Store, Charity, Dodson, Elmersville, Buffalo Ridge.
- PITTSYLVANIA**—Bryant's, Gile's Store, Galveston, Spring Garden, Weal, Elba, Dry Fork, Chatham, Museville, Sandy River, Banister, Swansonville, Cal-lands, Hollywood, Grasty's Store, Riceville, Cedar Hill, Peytonsburg, Shockoe, Laurel Grove, Keeling, Beavers, Ringgold, Statesville, Kentuck, Ajax, Brights, Menla, Farmers, Toshes, Pullens, Whites, Brutus, Straight Store, Hurt, Chalk Level, Level Run, Renan, Sycamore, Hill Grove, Mc-Dowel's Mill, Stokesland, Cascade, Design, Whitmell, Brosville, Bachelor's Hall, Mount Cross.
- POWHATAN**—Ballsville, Smith's Cross-Roads, Powhatan Courthouse, Pineville, Powhatan Station, Sublett's.
- PRINCE EDWARD**—Farmville, Prospect, Spring Creek, Worsham, Briery, Green Bay, Rice.
- PRINCE GEORGE**—Lee's Mill, Rives, Bland, Blackwater, Brandon.
- PRINCESS ANNE**—Blackwater, Creed's Bridge, Capp's Shop, Wash Woods, Courthouse, London Bridge, Kempsville.
- PRINCE WILLIAM**—Manassas, Wellington, Haymarket, Hickory Grove, Waterford, Brentsville, Greenwich, Nokesville, Independent Hill, Horton's Token, Dumfries, Potomac, Occoquon Hoadley.
- PULASKI**—Allisonia, Max Creek, Reed Island, River View, Snowville, Church-wood, Dublin, New River, East Pulaski, Hunter's, West Pulaski, Harmony, Ingles, Newbern, Oak Grove.
- CITY OF PETERSBURG**—First, Second, Third, Fourth, Fifth, and Sixth Wards.
- CITY OF PORTSMOUTH**—First Ward, Second Ward, Third Ward, Fourth Ward, and Fifth Ward.
- RAPPAHANNOCK**—Flint Hill, Amissville, Hamlin, Sperryville, Washington, Woodville.
- RICHMOND**—Farnham, Warsaw, Newland, Emmerton.
- ROANOKE**—Jehn's Shop, Brand's Store, Botetourt Springs, Glenver, North Salem, South Salem, West Salem, Bonsacks, Edington's Shop, Norwich, Tinker Creek, Vinton, Bent Mountain, Cave Spring, Poage's Mill, Red Hill.
- ROCKBRIDGE**—Lexington, Hartsook's Shop, Glasgow, Glenwood, Oak Bank, Natural Bridge, Broad Creek, Hamilton's School-House, Collierstown,



- Montgomery, Big Spring, Smith's Mill, Rockbridge Baths, Brownsburg, Fleemen, Goshen, Kennedy's Mill, Timber Ridge, Riverside, Fairfield, Raphine, Campbell's Mill.
- ROCKINGHAM—Swift Run, Elkton, Furnace Number Two, McGaheysville, Port Republic, Meyerhoffer Store, Cross Keys, Pleasant Valley, Mt. Crawford, Bridgewater, Dayton, Ottovine, Keezeltown, East Harrisonburg, West Harrisonburg, Mount Clinton, Mountain Valley, Melrose, Edom, Singer's Glen, Oak Grove, Tenth Legion, Timberville, Broadway, Carter's Store, Wittig's Store.
- RUSSELL—Lebanon, Cleveland, Honaker, Sword's Creek, Cook's Mills, Johnson's, Baylor's, Hawkins' Mill, Fugate's, Mamplur, Dorton, Carterton, Grigsby's, Banner.
- CITY OF RADFORD—East Ward, West Ward.
- RICHMOND CITY—Marshall Ward, Jefferson Ward, Madison Ward, Monroe Ward, Clay Ward, Lee Ward, Jackson Ward.
- ROANOKE CITY—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward.
- SCOTT—Addington, Clinchport, Duffield, Estillville, Rollers, Frances, Hoge's Store, Hilton's, Jennings', Nickelsville, Osborn's Ford, Powers, Peters, Pattonville, Rye Cove, Stoney Creek, Stony Point, Smith's, Wininger's.
- SHENANDOAH—New Market, Quicksburg, Forestville, Jno. D. Miller's, Mount Jackson, Hudson's Cross-Roads, Cleveland, Jerome, Calvin Hill, Hamburg, Edinburg, Lantz's Mills, Columbia Furnace, Liberty Furnace, Pine Hill School-House, Dry Run School-House, Tom's Brook, Tom Hall, Courthouse, St. Luke, Central School-House, Bonton, Sennissville, Mount Olive, Fisher's Hill, Lebanon Church, Orlando, Strasburg.
- SMYTH—Atkins, Bonhams, North Marion, South Marion, Seven-Mile Ford, Broad Ford, Chatham Hill, Olympia, Saltville, Blue Spring, Holstein Mills, St. Clair Bottom, Williams.
- SUSSEX—Courthouse, Yale, Henry, Stony Creek, Little Mill, Newville, Littleton, Waverly, Wakefield.
- SURRY—Wall's Bridge, Surry Courthouse, Baconi Castle, Claremont, Cassley, Spring Grove.
- STAUNTON—First Ward, Second Ward.
- STAFFORD—Brooke, Stafford Courthouse, Griffis, Roseville, Stafford Store, Harwood, Hartwood, Falmouth, White Oak.
- SOUTHAMPTON—Adams' Grove, Drewryville, Boykins, Pope, Newsoms, Sunbeam, Cortland, Black, Creek, Franklin, Berlin, Ivor.
- SPOTSYLVANIA—Partlow, Thornburg, Travelers' Rest, Courthouse, Brent's Mill, Summit, Chancellorsville, Todd's Lawn, Parker's, Belmont, Brokenburg, Faulconer's.
- TAZEWELL—Bluestone, Burk's Garden, Cave Creek, Graham, Fall's Mills, Pocahontas, Gratton, Abb's Valley, Tip Top, Benbow, Crocket's Cave, Dry Fork, Gap Store, Freestone, Jeffersonville, North Tazewell, Thompson Valley, Cedar Bluff, Lockhart Chappel, Liberty Hill, Midway, Pounding Mill, Poor Valley, Richlands.
- WARREN—Front Royal, Linden, Cedarville, Kellers, Milldale, Bowmans, Brownstown, Bentonville, Riverton, Fork Union, Water Lick.
- WARWICK—Ivy Avenue, Morrison, Denbigh, Stanley.

- WASHINGTON—North Abingdon, South Abingdon, Bethel, Greenwood, Friendship, Damascus, Oak Hill, Green Cove, Meadow View, Glade Spring, Mahanaim, Fullen's School-House, Hayton's Mill, Hyler's Gap, White Mill, Greendale, Holston, Brunley Gap, Peters, Phillips, Ketrons, Mendota, Haxwells, Wyndale, Watermans, Three Springs, Oak Grove, Shakesville.
- WISE—Gladeville, Comepatch, Indian, Norton, Kelly, Round Top, Calburn, Clay House, Bond's Mill, Pound, Big Stone Gap, East Stone Gap, Stonega, Gilly.
- WESTMORELAND—Oldhams, Kinsale, Hogue, Montross, Warrentown, Oak Grove, Baynesville, Colonial Beach.
- WYTHE—Boys, Pine Ridge, Pepper's Ferry, Reed Creek, Crockitts, Royal Oak, Rural Retreat, Zion, Henley's, Porter's Cross-Road, Austinville, Foster's Falls, Patterson, Graham Forge, Max Meadow, Repass Mill.
- WILLIAMSBURG CITY—Williamsburg.
- WINCHESTER—Ward No. 1, Ward No. 2, Ward No. 3, Ward No. 4.
- YORK—Courthouse, Cockeltown, Fort Magruder, Tabernacle Church.

## NAMES OF MAGISTERIAL DISTRICTS IN COUNT ES.

- ACCOMAC COUNTY—Pungoteague, Lee, Metompkin, Atlantic, Islands.
- ALBEMARLE COUNTY—Scottsville, Samuel Miller, Whitehall, Ivy, Charlottesville, Rivanna.
- ALEXANDRIA COUNTY—Washington, Arlington, Jefferson.
- ALLEGHANY COUNTY—Bolling Spring, Covington, Clifton.
- AMELIA COUNTY—Leigh, Giles, Jackson.
- AMHERST COUNTY—Amherst Courthouse, Temperance, Pedlar, Elon.
- APPOMATTOX COUNTY—South Side, Clover Hill, Stonewall.
- AUGUSTA COUNTY—South River, North River, Beverly Manor, Riverheads, Middle River, Pastures.
- BATH COUNTY—Warm Springs, Cedar Creek, Williamsville, Millboro.
- BEDFORD COUNTY—Liberty, Lisbon, Chamblissburg, Staunton, Otter, Bellevue, Forest, Charlemont.
- BLAND COUNTY—Sharon, Sedden, Mechanicsburg, Rocky Gap.
- BOTETOURT COUNTY—Amsterdam, Fincastle, Buchanan.
- BRUNSWICK COUNTY—Powellton, Meherrin, Red Oak, Sturgeon, Totaro.
- BUCHANAN COUNTY—Grundy, Garden, Rock Lick.
- BUCKINGHAM COUNTY—Mayesville, Curdsville, Slate River, Marshall, Francisco, James River.
- CAMPBELL COUNTY—Rustburg, Seneca, Falling River, Otter River, Brookville.
- CAROLINE COUNTY—Madison, Reedy Church, Bowling Green, Port Royal.
- CARROLL COUNTY—Pine Creek, Laurel Fork, Fancy Gap, Piper Gap, Sulphur Springs.
- CHARLES CITY COUNTY—Harrison, Tyler, Chickahominy.
- CHARLOTTE COUNTY—Madison, Walton, Bacon, Roanoke, Midway, Central.
- CHESTERFIELD COUNTY—Dale, Clover Hill, Midlothian, Matoaca, Manchester, Bermuda.
- CLARKE COUNTY—Greenway, Chapel, Battletown, Long Marsh.
- CRAIG COUNTY—Newcastle, Alleghany, Simmonsville.

- CULPEPER COUNTY—Stevensburg, Cedar Mountain, Catalpa, Salem, Jefferson.  
CUMBERLAND COUNTY—Randolph, Madison, Hamilton.  
DICKENSON COUNTY—Clintwood, Willis, Ervinton, Kenady, Sand Lick.  
DINWIDDIE COUNTY—Rowanty, Namozine, Darvills, Sapony.  
ELIZABETH CITY COUNTY—Chesapeake, Hampton, Wythe.  
ESSEX COUNTY—Occupacia, Central, Rappahannock.  
FAIRFAX COUNTY—Falls Church, Providence, Dranesville, Mount Vernon, Lee, Centreville.  
FAUQUIER COUNTY—Centre, Scott, Marshall, Lee, Cedar Run.  
FLOYD COUNTY—Courthouse, Burks Fork, Indian Valley, Alum Ridge, Little River, Locust Grove.  
FLUVANNA COUNTY—Columbia, Palmyra, Fork Union, Cunningham.  
FRANKLIN COUNTY—Rocky Mount, Snow Creek, Union Hall, Gills Creek, Bonbrook, Little Creek, Maggodee, Blackwater, Long Branch, Brown Hill.  
FREDERICK COUNTY—Shawnee, Opequan, Back Creek, Gainsboro, Stonewall.  
GILES COUNTY—Pearisburg, Pembroke, Walker's Creek, Newport.  
GLOUCESTER COUNTY—Petsworth, Ware, Abingdon.  
GOOCHLAND COUNTY—Dover, Licking Hole, Byrd.  
GRAYSON COUNTY—Elk Creek, Wilson, Old Town.  
GREENE COUNTY—Standardsville, Ruckersville, Monroe.  
GREENESVILLE COUNTY—Belfield, Hicksford, Zion.  
HALIFAX COUNTY—Banister, Meadsville, Mt. Carmel, Red Bank, Birch Creek, Roanoke, Staunton, Black Walnut.  
HANOVER COUNTY—Beaver Dam, Ashland, Henry.  
HENRICO COUNTY—Varina, Tuckahoe, Fairfield, Brookland.  
HENRY COUNTY—Martinsville, Ridgeway, Horse Pasture, Leatherwood, Reed Creek, Irisburg.  
HIGHLAND COUNTY—Stonewall, Monterey, Blue Grass.  
ISLE OF WIGHT COUNTY—Windsor, Newport, Hardy.  
JAMES CITY COUNTY—Jamestown, Stonehouse, Powhatan.  
KING GEORGE COUNTY—Rappahannock, Potomac, Shiloh.  
KING AND QUEEN COUNTY—Newtown, Stevensville, Buena Vista.  
KING WILLIAM COUNTY—West Point, Acquinton, Mangochick.  
LANCASTER COUNTY—White Stone, Mantua, White Chapel.  
LEE COUNTY—Rose Hill, White Shoals, Jonesville, Rocky Station, Yokum Station.  
LOUDOUN COUNTY—Broad Run, Jefferson, Mount Gilead, Mercer, Lovettsville, Leesburg.  
LOUISA COUNTY—Green Springs, Louisa Courthouse, Cuckoo, Jackson, Mineral.  
LUNENBURG COUNTY—Loch Leven, Columbian Grove, Brown's Store, Lewiston, Rehoboth, Pleasant Grove.  
MADISON COUNTY—Robertson, Rapidan, Locust Dale.  
MATHEWS COUNTY—Chesapeake, Westville, Plankitank.  
MECKLENBURG COUNTY—Boydton, Blue Stone, Chase City, Buckhorn, South Hill, Flat Creek, Palmer's Springs, Clarksville.  
MIDDLESEX COUNTY—Jamaica, Saluda, Pine Top.  
MONTGOMERY COUNTY—Alleghany, Auburn, Blacksburg, Christiansburg.  
NANSEMOND COUNTY—Sleepy Hole, Chuckatuck, Holy Neck, Cypress.

- NELSON COUNTY—Lovingston, Massie's Mill, Rockfish.  
NEW KENT COUNTY—Black Creek, St. Peter's, Cumberland, Weir Creek.  
NORFOLK COUNTY—Washington, Butt's Road, Pleasant Grove, Deep Creek, Western Branch, Tanner's Creek.  
NORTHAMPTON COUNTY—Franktown, Eastville, Capeville.  
NORTHUMBERLAND COUNTY—Lottsburg, Heathsville, Fairfield, Wicomico.  
NOTTOWAY COUNTY—Bellefonte, Blendon, Wittingham, Haytokah.  
ORANGE COUNTY—Barbour, Madison, Taylor, Gordon.  
PAGE COUNTY—Shenandoah Iron Works, Marksville, Luray, Springfield.  
PATRICK COUNTY—Mayo River, Dan River, Smith's River.  
PITTSYLVANIA COUNTY—Banister, Callands, Chatham, Dan River, Pigg River, Staunton, Tunstall.  
POWEHATAN COUNTY—Huguenot, Spencer, Macon.  
PRINCE EDWARD COUNTY—Hampden, Lockett, Farmville, Leigh, Buffalo.  
PRINCE GEORGE COUNTY—Templeton, Rives, Blackwater, Bland, Brandon.  
PRINCESS ANNE COUNTY—Kempsville, Seaboard, Pungo.  
PRINCE WILLIAM COUNTY—Dumfries, Occoquan, Coles. Brentsville, Manassas, Gainesville.  
PULASKI COUNTY—Pulaski, Newbern, Dublin, Hiawassie.  
RAPPAHANNOCK COUNTY—Wakefield, Jackson, Hampton, Piedmont, Hawthorne, Stonewall.  
RICHMOND COUNTY—Stonewall, Marshall, Washington, Farnham.  
ROANOKE COUNTY—Big Lick, Catawba, Cave Spring, Salem.  
ROCKBRIDGE COUNTY—South River, Lexington, Kerr's Creek, Buffalo, Natural Bridge, Walker's Creek.  
ROCKINGHAM COUNTY—Ashby, Linville, Plains, Stonewall, Central.  
RUSSELL COUNTY—Lebanon, Elk Garden, New Garden, Cleveland, Castlewood's, Copper Creek, Moccasin.  
SCOTT COUNTY—Estillville, Fulkerson, Johnson, Floyd, Dekalb, Taylor, Powell.  
SHENANDOAH COUNTY—Lee, Madison, Johnson, Ashby, Stonewall, Davis.  
SMYTH COUNTY—Marion, Rich Valley, St. Clair.  
SOUTHAMPTON COUNTY—Boykin's, Newson's, Drewryville, Franklin, Jerusalem, Berlin, and Ivor.  
SPOTSYLVANIA COUNTY—Courtland, Chancellor, Livingston, Berkeley.  
STAFFORD COUNTY—Hartwood, Rock Hill, Aquia, Falmouth.  
SURREY COUNTY—Blackwater, Guilford, Cobham.  
SUSSEX COUNTY—Courthouse, Henry, Newville, Stony Creek, Wakefield, Waverly.  
TAZEWELL COUNTY—Clear Fork, Jeffersonville, Maiden Spring.  
WARREN COUNTY—South River, Front Royal, Fork, Cedarville.  
WARWICK COUNTY—Stanley, Denbigh, Newport.  
WASHINGTON COUNTY—Abingdon, Goodson, Holston, Glade Spring, Saltville, North Fork, Kinderhook.  
WESTMORELAND COUNTY—Washington, Montross, Cople.  
WISE COUNTY—Richmond, Lipps, Roberson, Gladeville.  
WYTHE COUNTY—Ft. Chiswell, Lead Mines, Speedwell, Black Lick, Wytheville.  
YORK COUNTY—Bruton, Nelson, Grafton, Poquoson.

## NAMES AND NUMBER OF WARDS OF CITIES.

CITY OF ALEXANDRIA—First Ward, Second Ward, Third Ward, Fourth Ward.

CITY OF BRISTOL—First Ward, Second Ward, Third Ward.

CITY OF BUENA VISTA—First Ward, Second Ward.

CITY OF CHARLOTTESVILLE—First Ward, Second Ward, Third Ward, Fourth Ward.

CITY OF DANVILLE—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward.

CITY OF FREDERICKSBURG—Upper Ward, Lower Ward.

CITY OF LYNCHBURG—First Ward, Second Ward, Third Ward.

CITY OF MANCHESTER—First Ward, Second Ward, Third Ward, Fourth Ward.

CITY OF NEWPORT NEWS—First Ward, Second Ward, Third Ward, Fourth Ward.

CITY OF NORFOLK—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, Seventh Ward.

CITY OF PETERSBURG—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward.

CITY OF PORTSMOUTH—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward.

CITY OF RADFORD—West Ward, East Ward.

CITY OF RICHMOND—Marshall Ward, Jefferson Ward, Madison Ward, Monroe Ward, Lee Ward, Clay Ward, Henry Ward.

CITY OF ROANOKE—Highland Ward, Jefferson Ward, Kimball Ward, Melrose Ward.

CITY OF STAUNTON—First Ward, Second Ward.

CITY OF WILLIAMSBURG.

CITY OF WINCHESTER—First Ward, Second Ward, Third Ward, Fourth Ward.

# Commissioners of Deeds for Virginia.

TERM, TWO YEARS. IN COMMISSION JANUARY 1, 1906.

NAME AND STATE.	ADDRESS.	WHEN COM- MISSIONED.	WHEN QUALIFIED.
<b>DISTRICT OF COLUMBIA:</b>			
Horne, Pearce, Jr. . . . .	Washington . . . . .	Feb. 14, 1906	Mar. 3, 1906.
Bundy, Chas. S. . . . .	Washington . . . . .	June 17, 1904	June 18, 1904.
<b>MARYLAND:</b>			
Grayson, Spence M. . . . .	Baltimore . . . . .	Aug. 31, 1904	Sept. 9, 1904.
Mathieu, Harry C. . . . .	N. E. corner Lexington and St. Paul, Baltimore . . . . .	Aug. 29, 1904	Sept. 2, 1904.
Fisher, Abraham H. . . . .	16 E. Lexington, Baltimore . . . . .	Dec. . . . .	Dec. 6, 1904.
<b>MASSACHUSETTS:</b>			
Jones, Edward J. . . . .	61 Court street, Boston . . . . .	July 13, 1905	July 15, 1905.
<b>NEW YORK:</b>			
McCarthy, Chas. E. A. . . . .	80 Broadway, New York . . . . .	June 7, 1904	June 24, 1904.
Coyne, Vaughn M. . . . .	23 Broad street, New York . . . . .	June 9, 1905	June 20, 1905.
Braman, Joseph B. . . . .	120 Broadway, New York . . . . .	July 26, 1905	July 27, 1905.
Mills, Charles Edgar . . . . .	115 Broadway, New York . . . . .	Nov. 13, 1905	Dec. 18, 1905.
Corey, Edwin F. . . . .	56 Wall street, New York . . . . .	Oct. 17, 1905	Oct. 31, 1905.
Corey, George H. . . . .	56 Wall street, New York . . . . .	Dec. 7, 1905	Dec. 11, 1905;
<b>PENNSYLVANIA.</b>			
Warta, John S. . . . .	1087 R. E. Trust Building, Philadelphia . . . . .	June 13, 1904	June 14, 1904.
Leonard, Frederick M. . . . .	119 S. Fourth street, Philadelphia . . . . .	Feb. 11, 1905	Feby. 15, 1905.
Hunt, Thomas J. . . . .	623 Walnut street, Philadelphia . . . . .	May 22, 1905	May 27, 1905.
Mac Wilkie, Fergus F. . . . .	708 Land Title Building, Philadelphia . . . . .	April 27, 1905	May 12, 1905.

ACCOUNT OF THE STATE'S INDEBTEDNESS TAKEN FROM  
THE REPORT OF SECOND AUDITOR, FISCAL  
YEAR ENDING SEPTEMBER 30, 1905.

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GENERAL STATEMENT.

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PUBLIC DEBT ON WHICH INTEREST IS BEING PAID.  
OCTOBER 1, 1905.

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DEBT UNDER ACT OF FEBRUARY 14, 1882, AND AS  
AMENDED NOVEMBER 29, 1884.

(*Riddleberger.*)

PRINCIPAL.

The amount of bonds and certificates bearing three per cent. per annum interest issued under Acts of February 14, 1882, and November 29, 1884, is.....	\$ 9,289,862 01
Of which the State has taken in and cancelled and retired \$3,305,507.85, as follows:	
Amount held by the sinking fund commissioners at the time of the passage of the act of February 20, 1892, and cancelled under its requirements .....	\$ 2,357,576 60
Since the above was cancelled the sinking fund commissioners have purchased at different times with dividends derived from the State's interest in the Richmond, Fredericksburg and Potomac Railroad.....	230,200 00
And with surplus in the treasury, all of which has been cancelled, and is no longer a part of the debt, and is therefore deducted.....	115,000 00
Received from the Richmond and Danville Railroad Company, in settlement of its indebtedness to the State, and cancelled:	
Coupon bonds.....	\$ 144,500 00
Registered bonds and fractional certificates .....	294,399 45
	438,899 45

Amount brought forward.....	438,899 45	
From the Upper Appomattox Company, in settlement of its indebtedness to the State and cancelled:		
Coupon bonds.....\$	10,500 00	
Registered bonds and fractional certificates .....	364 26	
	<hr/>	10,864 26
From defaulting officers and their sureties on ac- count of indebtedness to the State, and can- celled .....	152,967 54	
	<hr/>	3,305,507 85
Leaving outstanding .....	\$ 5,984,354 16	

Of which there are held:

By the literary fund (including \$1,084,227.28 received in funding), under acts of Febru- ary 14, 1882, and November 29, 1884, State stock belonging to the fund.....\$	1,564,927 28	
Leaving in the hands of the public bonds and certificates issued under acts of February 14, 1882, and its amendment of November 29, 1884 .....	4,419,426 88	
	<hr/>	\$ 5,984,354 16

Amount of each class outstanding October 1,  
1905:

Registered bonds .....	\$ 4,111,200 00	
Coupon bonds.....	1,872,000 00	
Fractional certificates.....	1,154 16	
	<hr/>	\$ 5,984,354 16

West Virginia certificates, issued in funding the above \$9,289,-  
862.01, but which are no part of Virginia's debt.

West Virginia interest-bearing certificates.....	\$ 1,031,551 88	
And West Virginia non-interest certificates.....	744,051 60	
	<hr/>	\$ 1,775,603 48

Under acts of both February 14, 1882, and February 20, 1892,  
registered and coupon bonds are interchangeable at the  
pleasure of the holders on the payment of a fee of fifty  
cents for each new bond so issued.



## DEBT UNDER ACT OF FEBRUARY 20, 1892.

(Century.)

BONDS AND CERTIFICATES ISSUED UNDER ACTS OF FEBRUARY 20, 1892, AND AMENDMENTS THERETO—VIZ., JANUARY 31, 1894, OF JANUARY 23, 1896, OF JANUARY 25, 1898, OF FEBRUARY 3, 1900, FEBRUARY 16, 1901, AND APRIL 2, 1902.

Total issue.....	\$ 18,058,167 25
To bondholders' committee.....	\$ 16,359,860 00
To depositors with the commissioners of the sinking fund .....	1,698,307 25

From which the following deductions are to be made:

Amount purchased by the commissioners of the sinking fund and cancelled under recent act of the legislature.....	\$ 967,800 00
Received from defaulting officers and their sureties and cancelled.....	3,357 26
	<u>971,157 26</u>
Leaving outstanding .....	\$ 17,087,009 99

Of which there is held by the literary fund....	\$ 316,100 00
Leaving in the hands of the public.....	16,770,909 99
	<u>\$ 17,087,009 99</u>

The amount of each class outstanding October 1, 1905, follows:

Registered bonds.....	\$ 11,114,100 00
Coupon bonds.....	5,971,000 00
Fractional certificates.....	1,909 99
Total .....	<u>\$ 17,087,009 99</u>

West Virginia certificates, issued in funding the above \$18,058,167.25, but are no part of Virginia's debt.

West Virginia interest-bearing certificates.....	\$ 285,091 99
West Virginia non-interest certificates.....	320,888 79
	<u>\$ 605,980 78</u>

## SCHOOL AND COLLEGE BOND DEBT.

Under act February 26, 1877.....	\$	516,468 00
Under act February 23, 1892.....		1,943,387 85
Under act January 15, 1894.....		6,600 00
	\$	2,466,455 85

## STATEMENT OF THE ENTIRE DEBT OF VIRGINIA.

*On which Interest is Being Paid October 1, 1905.*

Principal.		Interest.
\$17,087,099 99 Century bonds bearing 3 per cent.....	\$	512,610 30
5,984,354 16 Riddleberger bonds bearing 3 per cent.....		179,530 62
2,383,655 85 Schools and colleges bearing 6 per cent.....		143,019 35
82,800 00 Schools and colleges bearing 4 per cent.....		3,312 00
\$25,537,820 00	\$	838,472 27

The bonds presented by the bondholders' committee for funding under the act of February 20, 1892, were delivered in aggregate, and amounted to \$24,662,349.75, and for them the State issued a manuscript bond for \$16,359,860—that being the prescribed rate of 19 for 28. This manuscript bond was subsequently converted into both registered and coupon bonds as soon as they could be prepared by the engravers.

THE FOREGOING \$18,058,167.25 OF CENTURY BONDS WERE ISSUED  
IN LIEU OF THE FOLLOWING CLASSES AND AMOUNTS  
OF OLD DEBT SURRENDERED.

Principal.		Interest.
Surrendered by the bondholders committee:		
Consol coupon bonds.....	\$ 11,985,200 00	\$ 4,488,255 00
Consol registered bonds and fractional certificates .....	6,893 69	154,912 11
Peeler coupon bonds .....	148,900 00	
Peeler registered bonds and fractional certificates .....	745 59	
Ten-forty coupon bonds, issued under act of March 28, 1879 .....	5,165,500 00	1,015,219 00

	Principal.	Interest.
Ten-forty registered bonds, issued under act of March 28, 1879.....	30,900 00	8,394 50
Bonds issued under acts passed prior to April 17, 1861 (old unfunded), and under act of March 2, 1866; also sterling certificates issued under act of March 30, 1871:		
Dollar bonds .....	224,871 00	862,101 36
Sterling certificates .....	570 457 50	
	<u>\$ 18,133,467 78</u>	<u>\$ 6,528,881 97</u>

Surrendered to the commissioners of the sinking fund prior to the act of January 31, 1894:

Consol coupon bonds.....	\$ 128,700 00	\$ 90,668 00
Consol registered bonds and fractional certificates .....	282 87	1,260 65
Peeler coupon bonds .....	200 00	
Peeler registered bonds and fractional certificates .....	91 02	
Ten-forty coupon bonds, issued under act of March 28, 1879 .....	79,600 00	56,317 00
Ten-forty registered bonds, issued under act of March 28, 1879 .....	46,700 00	14,552 00
Bonds issued under acts prior to April 17, 1861 (old unfunded), and under act of March 2, 1866.....	16,861 00	12,122 47
	<u>\$ 272,534 89</u>	<u>\$ 174,920 12</u>

Surrendered to the commissioners of the sinking fund under act of January 31, 1894:

Consol coupon bonds.....	639,700 00	\$ 477,902 00
Consol registered bonds and fractional certificates .....	2,065 68	7,878 06
Peeler coupon bonds .....	1,400 00	2,668 00
Peeler registered bonds and fractional certificates .....	2,134 93	6,879 22
Ten-forty coupon bonds, issued under act of March 28, 1879 .....	232,500 00	56,218 50
Bonds issued under acts passed prior to April 17, 1861 (old unfunded), and under act of March 2, 1866 .....	18,286 40	26,385 15
	<u>\$ 896,087 01</u>	<u>\$ 577 930 93</u>

	Principal.	Interest.
Surrendered to the commissioners of the sinking fund under act of January 23, 1896:		
Consol coupon bonds .....	\$ 278,500 00	\$ 14,973 00
Consol registered bonds and fractional certificates .....	484 02	
Peeler coupon bonds .....	500 00	} 4,736 03
Peeler registered bonds and fractional certificates .....	342 67	
Ten-forty coupon bonds, issued under act of March 28, 1879 .....	44,100 00	8,354 00
Bonds issued under acts prior to April 17, 1861 (old unfunded), and under act of March 2, 1866 .....	4,680 00	13,998 36
	<u>\$ 328,606 69</u>	<u>\$ 42,061 39</u>

Surrendered to the commissioners of the sinking fund under act of January 25, 1898:

Consol coupon bonds.....	\$ 44,000 00	\$ 24,530 00
Consol registered bonds and fractional certificates .....	1,021 80	} 28,607 80
Peeler registered bonds and certificates.....	14,888 12	
Ten-forty coupon bonds, issued under act of March 28, 1879.....	3,000 00	1,344 00
Bonds issued under acts prior to April 17, 1861 (old unfunded), and under act of March 2, 1866 .....	15,120 00	30,107 79
	<u>\$ 78,029 92</u>	<u>\$ 84,589 59</u>

Surrendered to the commissioners of the sinking fund under act of February 3, 1900, before last report:

Consol coupon bonds .....	\$ 2,600 00	\$ 2,244 00
Consol registered bonds and fractional certificates .....	490 55	588 65
Peeler registered bonds and fractional certificates .....	12 55	168 06
Ten-forty coupon bonds, issued under act of March 28, 1879 .....	None.	49 50
Bonds issued under acts prior to April 17, 1861 (old unfunded), and under act of March 2, 1866 .....	1,000 00	1,490 00
	<u>\$ 4,103 10</u>	<u>\$ 4,540 21</u>

	Principal.	Interest.
Surrendered to the commissioners of the sinking fund under act of February 3, 1900, since last report:		
Peeler registered bonds and fractional certificates .....	\$ 13,945 54	\$ 54 65
Consol fractional certificates .....	224 14	268 99
Consol and peeler interest.....		16,709 00
Consol coupons .....		1,500 00
Ten-forty coupons .....		525 00
Black scrip (dollar) .....		1,583 01
Bonds issued under acts prior to April 17, 1861 (old unfunded), and under act of March 2, 1866.....	1,000 00	1,410 00
	<u>\$ 15,169 68</u>	<u>\$ 22,050 65</u>

Surrendered to the commissioners of the sinking fund under act of February 16, 1901:

Consol coupon bonds .....	\$ 3,600 00	\$ 2,022 00
Consol fractional certificates .....	278 96	334 76
Peeler fractional certificates .....	33 34	40 00
Ten-forty coupon bonds.....	2,200 00	106 50
Black scrip (dollar) .....		3,214 33
Bonds issued under acts prior to April 17, 1861 (old unfunded), and under act of March 2, 1866 .....	3,000 00	6,167 22
	<u>\$ 9,112 30</u>	<u>\$ 11,884 81</u>

Surrendered to the commissioners of the sinking fund under act of April 2, 1902:

Registered consol bonds.....	\$ 300 00	\$ 132 00
Coupon consol bonds.....	9,400 00	5,907 00
Ten-forty coupon bonds.....	10,000 00	1,209 50
Consol fractional certificate .....	287 34	344 80
Peeler fractional certificate.....	77 34	92 80
Black scrip (dollar) .....		743 00
Bonds issued under acts prior to April 17, 1861 (old unfunded), and under act of March 2, 1866.....		3,233 34
	<u>\$ 20,064 68</u>	<u>\$ 11,662 44</u>

Recapitulation of bonds and interest surrendered:	Principal.	Interest.
By the bondholders' committee.....	\$ 18,133,467 78	\$ 6,528,881 97
To the commissioners of the sinking fund		
prior to January 31, 1894.....	272,534 89	174,920 12
Under act of January 31, 1894.....	896,087 01	577,930 93
Under act of January 23, 1896.....	328,606 69	42,061 39
Under act of January 25, 1898.....	78,029 92	84,589 59
Under act of February 3, 1900.....	4,103 10	4,540 21
Under act of February 3, 1900, since last report .....	15,169 68	22,050 65
Under act of February 16, 1901.....	9,112 30	11,884 81
Under act of April 2, 1902.....	20,064 68	11,332 44
	<hr/>	<hr/>
	\$ 19,757,176 05	\$ 7,458,192 21

West Virginia's proportion of bonds and interest surrendered:

By the bondholders' committee.....	\$ 553,982 39
To the commissioners of the sinking fund..	52,898 39
	<hr/>
	\$ 605,980 78

*(Through an oversight the last legislature failed to extend the funding act and for that reason none of the few remaining old bonds have been brought in for exchange during the fiscal year just closed.)*

**TOTAL PRINCIPAL AND INTEREST OUTSTANDING.**

*Which is yet Fundable under Act of February 20, 1892.*

**PRINCIPAL.**

The amount of bonds and certificates outstanding October 1, 1900, issued under acts passed prior to February 14, 1882, (the unfunded bonds reduced one-third for West Virginia's portion) less the amount funded to date, is.....	\$ 193,564 69
---	---------------

**INTEREST.**

The amount of interest outstanding due to and including July 1, 1891, exclusive of any interest that may be unpaid on bonds issued under acts of February 14, 1882, and February 20, 1892, less the amount funded since, is.....	295,511 36
Total principal and interest.....	<hr/>
	\$ 489,076 05

The above amount of principal and interest yet outstanding is subject to the discount as set forth in the scale of funding as below:

The debt—principal and interest—July 1, 1871, as reported by the second auditor September 30, 1872, was.....\$ 45,718,112 23  
Of which there was set aside as West Virginia's proportion.... 15,239,370 74

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## SINKING FUND.

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### THE SINKING FUND HOLDS NO BONDS NOW.

At the date of my last annual report it held \$1,111,500, which were stated as follows:

#### CENTURY BONDS.

(Act February 20, 1892.)

Purchased with surplus in treasury.....	\$ 414,000 00
Purchased with dividends of the R. F. & P. R. R. ....	373,500 00

#### RIDDLEBERGER BONDS.

(Act February 14, 1882.)

Purchased with surplus in treasury.....	115,000 00
Purchased with dividends of the R. F. & P. R. R.....	209,000 00
	<hr/>
	\$ 1,111,500 00

Since the acquisition of the above mentioned \$1,111,500, the commissioners of the sinking fund purchased \$201,500 Virginia bonds with dividends from the State's stock in the R., F. & P. R. R., as follows:

\$180,300 century bonds (at a cost of \$175,631.60).....	180,300 00
21,200 Riddleberger bonds (at a cost of \$20,583.50).....	21,200 00
	<hr/>
	\$ 1,313,000 00

Which increase the holding of the fund to—and of the following classes:

Century bonds.....	\$ 967,800 00
Riddleberger bonds.....	345,200 00

These bonds have all been cancelled and eliminated from the State's debt, making of her bonds retired \$10,771,791.49, as follows:

Of issue of old unfunded.....	\$	242,266 67
Of issue of old unfunded—Surrendered by the United States in the settlement made with them on April 3 and 4, 1903.	}	594,800 00
Of issue of March 2, 1866.....		3,500 00
Of issue of March 30, 1871.....		43,020 27
Of issue of March 7, 1872.....		5,317,157 63
Of issue of March 28, 1879.....		294,381 81
Of issue of February 14, 1882.....		3,305,507 85
Of issue of February 20, 1892.....		971,157 26
		<hr/>
	\$	10,771,791 49

## WEST VIRGINIA CERTIFICATES.

In addition to the above bonds cancelled by the State, it holds

West Virginia certificates to the amount of.....	\$	2,745,462 11
Sinking fund .....	\$	2,026,439 49
Literary fund .....		719,022 62

## INTERNAL IMPROVEMENT FUND.

The following amounts have been received at various times from turnpike companies on account of dividends on stock held by the State, and placed in the treasury to the credit of the sinking fund, act of March 5, 1894:

From North Frederick Turnpike Company, August 15, 1888, a dividend of .....	\$	450 00
And from the Berryville Turnpike Company, dividends—Feb- ruary 7, 1890, \$143; August 5, 1891, \$143; September 1, 1892, \$143; September 14, 1893, \$143; August 29, 1894, \$143; September 20, 1895, \$143; November 2, 1896, \$286; December 15, 1897, \$286; October 7, 1898, \$286; October 7, 1899, \$286; October 18, 1900, \$286; and October 13, 1902, \$286 .....		2,574 00



**STATEMENT OF THE RECEIPTS AND EXPENDITURES OF THE PUBLIC  
MONEY OF VIRGINIA, TAKEN FROM REPORT OF AUDITOR OF  
PUBLIC ACCOUNTS. FISCAL YEAR ENDING SEPTEMBER 30, 1905.**

*Statement Showing the Receipts with which the Treasurer is Charged on the  
Books of the Auditor of Public Accounts during the Year ending Sep-  
tember 30, 1905.*

<b>Agricultural and Mechanical Colleges—Received from the United States for use of said colleges (See Table No. 4).....</b>		<b>\$ 25,000 00</b>
<b>Agricultural Department—Tax on fertilizer tags....</b>		<b>41,892 81</b>
<b>Arrears of Taxes—Collected on judgments against treasurers .....</b>		<b>2,704 43</b>
<b>Assessment of lands refunded.....</b>		<b>158 00</b>
<b>Banks—Tax for support of government (See Table No. 5) .....</b>		<b>\$ 65,884 88</b>
<b>Tax for support of schools (See Table No. 5) .....</b>		<b>26,354 43</b>
		<b>92,239 31</b>
<b>Charters—Fees on .....</b>		<b>30,333 75</b>
<b>Capitation Tax—Tax of 1903 .....</b>		<b>\$ 20,384 16</b>
<b>Tax of 1904.....</b>		<b>376,092 90</b>
<b>Tax of 1905.....</b>		<b>2 00</b>
		<b>396,479 06</b>
<b>Capitation and Personal Property Tax—Returned delinquent and afterwards collected by special collectors and clerks of courts.....</b>		<b>7,765 38</b>
<b>Clerks of Courts—Tax on law process, deeds, wills, etc. (See Table No. 6).....</b>		<b>132,385 65</b>
<b>Civil Contingent Fund—The sum of one thousand dollars was used by Governor J. Hoge Tyler in the equipment of Virginia volunteers in the United States Army, which is now returned by the United States, less twenty per cent. allowed by contract with Governor Montague to special agents to secure its return .....</b>		<b>800 00</b>
<b>Collateral Inheritance Tax.....</b>		<b>20,214 77</b>
<b>Confiscated Weapons—Received from sale of.....</b>		<b>12 04</b>
<b>Costs in Commonwealth Cases—Collected.....</b>		<b>4,125 49</b>
<b>Crop Pest—Certificates of registration issued nurseries (See Table No. 7).....</b>		<b>2,100 00</b>

Convicts, Escape of—Returned by board of supervisors of Bedford county .....	\$	150 00	
Delinquent Land—Delinquent taxes paid before sale.	\$	18,259 12	
Proceeds of sales of lands to individuals .....		16,873 45	
Received from redemption of lands bought by State.....		31,863 61	
		<hr/>	66,996 18
Deposit made by order of court.....			604 27
Dispensaries—Receipts from (See Table No. 8)....			7,327 01
Express Companies—Licenses (See Table No. 9)...\$	5,000 00		
Tax for support of government (See Table No. 9).....		70 31	
Tax for support of schools (See Table No. 9).....		35 16	
Tax for payment of pensions (See Table No. 9).....		17 58	
		<hr/>	5,123 05
Fines—Collected, which belong to the literary fund			62,797 07
Franchise Tax—Received from domestic corporations, tax 1904.....\$	6,805 00		
Received from domestic corporations, tax 1905.....		73,545 00	
		<hr/>	80,350 00
Income Tax—Tax of 1903.....\$	271 89		
Tax of 1904.....		70,953 54	
		<hr/>	71,225 43
Insurance Companies—Tax on licenses (See Table No. 11) .....	\$	27,670 35	
Tax on premiums (See Table No. 11) .....		103,152 45	
Tax to pay cost of publishing their reports .....		288 99	
		<hr/>	131,111 79
Interest—From State depositories (See Table No. 12) .....	\$	22,079 31	
From other sources .....		1,696 76	
		<hr/>	23,776 07
Lands—Sale of unappropriated.....			448 50
Library Fund—Receipts for use of library (See Table No. 13) .....			5,897 67
Louisiana Purchase Exhibition Fund—Unexpended balance of State appropriation of \$50,000 providing for an industrial and commercial exhibit by the Commonwealth at St. Louis, now returned.....			96

Licenses—Other than liquor and sewing machines..\$	515,401 66	
Liquor licenses.....	378,801 23	
Hunting licenses (See Table No. 14).....	399 00	
Licenses to mercantile agencies (See Table No. 15).....	500 00	
For sale of sewing machines (See Table No. 16) .....	2,345 00	
	<hr/>	897,446 89
Officers of the government—Received from counties and cities on account of salaries of judges (See Table No. 21) .....		46,347 84
Overpayments refunded—Payments back into treasury (See Table No. 17) .....		816 81
Oyster Tax—Receipts from (See Table No. 18).....		68,903 37
Partnership Associations—Fees on.....		11 87
Pensions Returned—Warrants issued for pensions not used and paid back into treasury (See Table No. 19) .....		700 50
Penitentiary—Hire of convicts.....		114,768 15
Penitentiary Fund—Overpayment of accounts refunded .....		10 10
Personal Property Tax—Tax for support of government 1903 .....	\$ 2,500 00	
Tax for support of schools 1903 .....	1,324 42	
Tax to pay pensions 1903..	405 93	
Tax for support of government 1904 .....	257,595 10	
Tax for support of schools 1904 .....	119,204 60	
Tax to pay pensions 1904..	22,319 87	
	<hr/>	403,349 92
Printed Records—Paid into treasury by clerks of supreme court of appeals (See Table No. 20).....		8,265 63
Railroad Companies—Franchise Tax (See Table No. 22) .....	\$ 371,798 90	
Tax for support of government (See Table No. 22)...	142,434 57	
Tax for support of schools (See Table No. 22).....	71,217 34	
Tax to pay pensions (See Table No. 22) .....	35,608 69	
	<hr/>	621,059 50
Register of Land Office—Fees collected and paid into treasury .....		593 82
Registration Fees—Received from foreign and domestic corporations 1904....\$	2,455 00	

Received from foreign and domestic corporations 1905.....\$	32,580 00	
		\$ 35,035 00
Real Estate Tax—Tax for support of government		
1903 .....	\$ 10,935 90	
Tax for support of schools 1903.	5,468 17	
Tax to pay pensions 1903.....	3,484 72	
Tax for support of government		
1904 .....	614,291 48	
Tax for support of schools 1904.	305,010 45	
Tax to pay pensions 1904.....	141,359 86	
		1,080,550 58
Revenue—Five per cent. penalty on taxes uncollected prior to December 1st.....		33,652 00
State Corporation Commission—Fees and taxes on seals collected and paid into treasury.....		1,405 74
Seals—Received from sales of adhesive stamps (See Table No. 10) .....		12,299 85
Secretary of the Commonwealth—Fees and taxes on seals, collected and paid into treasury.....		8,122 50
Steamboat Companies—Tax for support of government (See Table No. 23) ..\$	2,590 48	
Tax for support of schools (See Table No. 23).....	1,295 24	
Tax on income (See Table No. 23) .....	365 06	
Tax to pay pensions (See Table No. 23) .....	647 63	
		4,898 41
Seals of Courts—Received.....		8 55
Sleeping Car Companies—Tax on personal property of the Pullman Company for support of government 1904 .....	\$ 742 14	
Tax for support of schools 1904 .....	296 85	
		1,038 99
Telegraph and Telephone Companies—		
License Tax (See Table No. 24).....\$	22,411 51	
Tax for support of government (See Table No. 24)	2,850 34	
Tax for support of schools (See Table No. 24)....	1,425 24	
Tax to pay pensions (See Table No. 24).....	712 74	
		27,399 83
		\$4,579,204 54
On hand October 1, 1904.....		516,003 87
		<u>\$5,095,208 41</u>

*Statement Showing the Amount of Warrants drawn upon the Treasurer by the Auditor of Public Accounts during the Year ending September 30, 1905.*

<b>Agricultural and Mechanical Colleges—Amount distributed to them out of money received from the United States for their use (See Table No. 4)....</b>		\$ 25,000 00
<b>Agricultural Department—For expenses of.....</b>		40,618 65
<b>Attorney General—Contingent expense of his office.\$</b>	218 16	
Traveling expenses .....	140 00	
		358 16
<b>Auditor of Public Accounts—Contingent expenses of his office .....</b>		1,075 91
<b>Board of Health—For expenses of.....</b>		3,000 00
<b>Bonds of clerks in State offices at Richmond, paid premiums on their bonds.....</b>		294 95
<b>Capitol Building—For repairing and restoring.....</b>		135,233 16
For removing records from.....		16 85
<b>Capitation Tax—Returned to counties and cities (See Table No. 25).....</b>		80,281 00
<b>Cattle Quarantine—For expenses of.....</b>		684 40
<b>Charter Fees—Amount refunded (See Table No. 26)..</b>		29 50
<b>Civil Contingent Fund—Paid by order of the Governor .....</b>		12,424 41
<b>Civil Prosecutions —Cost of.....</b>		1,291 68
<b>Commissioners of the Sinking Fund—Contingent expenses of .....</b>		289 98
<b>Constitutional Convention—Cost of publishing debates .....</b>		1,639 10
<b>Commissioner of State Hospitals—Salary.....\$</b>	1,999 98	
Traveling Expenses .....	166 20	
		2,166 18
<b>Commission to Promote Uniformity of Legislation—Expenses of .....</b>		139 70
<b>Confederate Memorial Associations—For keeping in order graves of Confederate dead (See Table No. 27) .....</b>		1,495 00
<b>Courts—Contingent expenses of.....</b>		27,695 86
<b>Crop Pest—For extermination of.....</b>		7,463 09
<b>Criminal Charges—Paid in the several counties and cities of the Commonwealth (See Table No. 28).....\$</b>	288,890 79	
Paid in suits in United States courts .....	220 75	
Paid prison reform association.	17,049 30	
Paid negro reformatory.....	10,667 48	
		316,828 32

Delinquent Lands—Expense of sale and commissions paid treasurers.....	2,197 36	
Fees to clerks for recording delinquent lists and sales.....	3,755 60	
		5,952 96
Erroneous Assessment of Taxes—Amount refunded on account of.....		191 71
Fines—Turned over to second auditor for literary fund .....		47,115 49
Fuel, Ice and Gas—For Capitol, Governor's Mansion and State offices .....		4,439 15
Franchise Tax—Tax 1905 refunded.....		80 00
General Account of Revenue—Commissions to commissioners of the revenue, postage and expressage... 80,528 31		
Commissions to examiners of records (See Table No. 29) 20,088 52		
		100,616 83
General Assembly—Salaries of clerks.....\$ 1,460 00		
Contingent expenses of..... 28 80		
		1,488 80
General Appropriations—Expenses of Adjutant General visiting Virginia Military Institute.....		25 70
Heat, Light and Power Plant—Paid on cost of construction .....		17,908 90
Interest—Turned over to Second Auditor to pay interest on public debt.....		852,000 00
Labor Bureau—For salary of commissioner..... 1,200 00		
For expenses of his office..... 2,447 85		
		3,647 85
Labor at Governor's Mansion.....		900 00
License Taxes Refunded—Amount refunded for liquor licenses revoked by local option elections..		365 24
Lee Monument—Paid on account of fund to enclose same .....		65 00
Lunatics—Expenses of maintaining lunatics in jail and in care of individuals and expenses of commissions of lunacy.....\$ 5,857 30		
Central State Hospital, for support of... 111,167 29		
Eastern State Hospital, for support of... 84,763 82		
Southwestern State Hospital, for support of .....	64,326 21	
Western State Hospital, for support of... 111,285 69		
		377,400 31
Library—Expenses of, paid by order of library board .....		5,614 77

Marriages—Expense of registration of.....	\$	461 86
Medical College of Virginia—For annual support of.....		5,000 00
Military fund .....		13,539 51
Military Contingent Fund—Pay of volunteers when .. assisting civil authorities (See Table No. 30)....		409 89
Officers of the Government—Salaries.....		204,283 53
Offices—Rent of, for use of State officers.....		3,563 37
Oyster Fund—Expenses of steamers and sailing ves- sels .....	22,312 13	
Expenses and salaries of Board of Fisheries .....	3,649 40	
Expense of surveys.....	738 93	
		<hr/> 26,700 46
Overpayments—Amount refunded to cover overpay- ments into treasury (See Table No. 31).....		23,081 84
Pensions—Amount paid under act of March 5, 1888, for 1905 (See part 1 of Table No. 32)...\$	79,713 50	
Amount paid under act of March 7, 1900, for 1905 (See part 2 of Table No. 32)..	123,230 75	
Amount paid under act of April 2, 1902, for 1905 (See part 3 of Table No. 32)..	110,233 30	
Contingent expenses of paying same....	321 11	
		<hr/> 313,498 66
Penitentiary—For new buildings.....		48,004 71
For salaries of board of directors....\$	1,008 00	
For salaries of guards.....	28,843 97	
For salaries of officers.....	9,839 96	
For expense of conveying prisoners..	5,741 90	
For money paid into treasury from hire of convicts and afterwards drawn out.....	56,088 94	
State Farm, for supplies and expenses of officers and guards.....	25,476 09	
		<hr/> 126,998 86
Police and Employees at Capitol, Governor's Mansion and Library—Salaries.....		11,963 00
Printing records of the Supreme Court of Appeals..		8,366 74
Public printing .....		20,480 42
Public schools—Warrants to.....\$	877,867 54	
Special appropriations to.....	200,000 00	
		<hr/> 1,077,867 54
Pure Food—Amount expended by Agricultural De- partment to prevent sale of adulterated food.....		1,977 46
Reassessment of Lands—Paid on account of.....		74,936 20
Registration Fees—Fees 1905 refunded.....		25 00

## GENERAL STATEMENT.

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Register of Land Office—Insurance on library....\$	100 00	
Insurance on elevator....	35 00	
Contingent expense of office and expenses of Capitol Square .....	381 60	
	<hr/>	\$ 516 60
Reporter to Court of Appeals—Salary.....		1,100 00
Secretary of the Commonwealth—Contingent expense of office.....		303 33
Seals—For lithographing adhesive stamps to use with seals .....		120 00
Second Auditor—Contingent expense of office.....		223 73
Soldiers' Home—For annual support of.....		35,000 00
State Corporation Commission—Expense of office..	3,862 40	
Rent of offices for..	938 00	
	<hr/>	4,800 40
State Female Normal School—For annual support of .....	\$ 20,000 00	
For buildings .....	24,000 00	
	<hr/>	54,000 00
Stenographer to Supreme Court of Appeals.....		1,200 000
Telephones—For use of State offices.....		288 00
Treasurer of Virginia—Contingent expense of office		341 30
University of Virginia—For annual support of.....		50,000 00
Virginia Agricultural College and Polytechnic Institute—		
For annual support of.....\$	40,000 01	
For interest and sinking fund.....	6,750 00	
For buildings .....	82,500 00	
	<hr/>	129,250 01
Virginia Military Institute—For annual support of		25,000 00
Virginia Military Records—Salary of Secretary....\$	600 00	
Expense of collecting muster rolls, records and other documents	1,182 40	
	<hr/>	1,782 40
Virginia Normal and Industrial Institute—For support of .....		15,000 00
Virginia School for the Deaf, Dumb and Blind—For annual support of .....		45,000 00
Virginia Reports—Cost of publishing reports of decisions of Court of Appeals.....		2,850 64
Washington Statue—Cost of removing while Capitol was undergoing repairs.....		2 00
William and Mary College—For annual support of		25,000 00
		<hr/>
		\$4,428,776 07
On hand October 1, 1905.....		666,432 34
		<hr/>
		\$5,095,208 41





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